

HUD Project #: 121-98125

July 24, 2023

Shannon Bergman  
Department of Housing and Urban Development  
Multifamily Insured Production  
One Sansome Street, 11<sup>th</sup> Floor  
San Francisco, CA 94104

**Re: Adoption of Environmental Assessment Report  
Meridian Family Apartments**

The California Housing Finance Agency, as the HUD Responsible Entity for the aforementioned project, is adopting the Environmental Assessment report dated February 2021 which was prepared by David J. Powers and Associates, Inc. on behalf of the City of San Jose. The report is being adopted to meet HUD's environmental review requirements related to the 542(c) Risk Sharing Program. A description of the adoption and changes to the existing report are outlined below.

**Adoption Description**

- A description of the current action;
  - The California Housing Finance Agency (CalHFA) as the Responsible Entity, is adopting Environmental Assessment dated February 2021 and prepared on behalf of the City of San Jose. CalHFA will use the report for the Request for Release of Funds related to the 542(c) HUD/RS program.
- The name and date of the existing NEPA document that describes and analyzes the action;
  - Environmental Assessment prepared by David J. Powers and Associates, Inc. and dated February 2021 to obtain HUD approval for Project Based Section 8 Vouchers. Report was properly noticed and posted to the public. The report was submitted to HUD with a Request for Release of Funds (RROF). A copy of the signed Authority to Use Grant Funds (form HUD-7015.16) dated June 21, 2021, was received.
- A statement that the existing NEPA document has been reviewed and that there are no substantive differences between the current proposal and its associated environmental impacts and the proposal and impacts as described in the existing NEPA document and associated decision document;
  - The Environmental Assessment report was reviewed by Bay Desert Inc. There have not been material changes to the project or financing structure that would warrant modifying the existing report or preparing a new report.
  - The existing report was properly noticed and submitted to HUD with a Request for Release of Funds (RROF). A copy of the signed Authority to Use Grant Funds (form HUD-7015.16) dated June 21, 2021 was received.
  - Bay Desert Inc. and CalHFA will coordinate posting a FONSI notice and repost the report

for public comment prior to submitting for RROF.

- A reference to correspondence documenting updated consultation if other required consultation processes have been updated;
  - Email #1 dated 06/22/2023 from Cinnamon Crake, Bay Desert, Inc.: Reviewed report and has found it adoptable. Confirmed that report can be adopted. Providing an estimate to prepare FONSI/NOI RROF notice, distribution of notice, respond to comments, and preparation of 7015.15.
- Notification to the preparing entity; and
  - Email #2 dated 7/06/2023 from CalHFA to City of San Jose: Notifying City of San Jose of CalHFA's plans to adopt the Environmental Assessment report.
  - Email #3 dated 7/06/2023 from City of San Jose to CalHFA: Confirming Receipt of notification.
- Mitigation Measures Required
  - *Airports* – The project applicant shall obtain the appropriate Determination of No Hazard from the FAA for exceeding the FAR 77 for San Jose International Airport by 10 feet.
  - *Soil Management Plan* - The applicant shall adhere to the *Soil Management Plan* prepared by Earth Systems and dated February 9, 2022 or later, at all times during construction.
  - *Noise* - The site plan shows window areas of up to 23 percent of the total wall space for the units facing Meridian Avenue. Preliminary calculations indicate that these dwelling units would require windows and doors with a minimum rating of 31 and 35 STC, respectively, to meet the interior noise threshold of 45 dBA DNL. Dwelling units located along the western façade would require adequate forced-air mechanical ventilation with standard residential construction to meet the 45 dBA DNL interior noise threshold. Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all dwelling units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards. If substantive changes are made to the design of the project prior to building department submittal, a qualified acoustical consultant shall confirm the noise insulation recommendations based on the final site plans, building elevations, and floor plans of the proposed residential buildings. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
  - *Nesting Birds - Avoidance*  
Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.  
**Preconstruction Surveys**  
If tree removals and construction cannot be scheduled between September 1st and January 31st, a qualified ornithologist shall complete pre-construction surveys to identify active raptor or migratory bird nests that may be disturbed during construction

activities. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities, including tree removal and pruning, during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

#### **Reporting**

Prior to issuance of any grading or building permit, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee, a plan prepared by a qualified biologist or ornithologist for conducting the preconstruction surveys to meet the requirements set out above.

Subsequent to the preconstruction survey, the qualified biologist or ornithologist shall submit a written report indicating the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to the Director of Planning, Building and Code Enforcement or the Director's designee.

#### **Changes to Environmental Assessment dated February 2021, prepared on behalf of the City of San Jose by David J. Powers and Associates, Inc.**

#### **Page 1 Cover page:**

- **Project Name**
  - o Meridian Family Apartments
- **Responsible Entity:**
  - o California Housing Finance Agency
- **Grant Recipient**
  - o California Housing Finance Agency
- **Certifying Officer Name and Title**
  - o Tiena Johnson-Hall, Executive Director
- **Consultant**
  - o Bay Desert, Inc.
- **Direct Comments to:**
  - o Julissa Garcia, Loan Administrator  
500 Capital Mall, Suite 400, MS 990  
Sacramento, CA 95814  
(916) 326-8811

**Page 2:**

- Description of Project (updated information highlighted):

The 2.1-acre project site is located west of Meridian Avenue at 961-971 Meridian Avenue (accessor's parcel numbers 284-03-015, -016, and -049) in the City of San José. The location of the project site is shown on Figures 1, 2, and 3

The project site is constructed with two single-family residences and an accessory structure, totaling approximately 19,676 square feet. The single-family residences are currently vacant. Vehicular access to the project site is provided via four driveways off Meridian Avenue. The project site is bounded by single-family residences to the north, Meridian Avenue to the east, a Montessori school (~~currently under construction~~) to the south, and multi-family residences to the west.

As proposed, the project would demolish the existing structures on-site and construct a six-story, 233-unit residential building with approximately 1,782 square feet of retail (refer to Figure 4). The proposed retail would be located along Meridian Avenue. In addition, a community room, gym, common areas, laundry, gated access, courtyards, recreational areas, tot-lot, business center, and computer room are proposed on the ground floor. Two courtyards would be located on the project second floor. The project would have a maximum building height of approximately 850 feet.

The project proposes ~~one level of subterranean level below grade parking and one~~ two levels of above-grade parking beginning at ground level parking which would consist of 290 275 parking spaces. Of the 290 275 parking spaces, 273 266 would be for residences, and eight nine would be for retail parking (1 of the 9 spaces are for Electrical vehicles (EV)). ~~and the remaining nine are for electrical vehicles (EV).~~ 28 of the 266 spaces are for EV. 8 of the 275 total units will be handicap accessible units (seven for residents and 1 for retail). Additionally, the project proposes 63 bicycle parking spaces (26 short-term spaces and 37 long-term spaces). There are a total of four existing driveways off Meridian Avenue. The project would retain one driveway (on the northernmost portion of the site) and the remaining three would be removed. A new driveway is proposed on the southern portion of the site which would serve as the primary access. The driveway being retained would serve as a secondary fire truck access.

The Santa Clara County Housing Authority (SCCHA) has committed Section 8 housing assistance for the project in the form of Project Based Vouchers (PBVs) for 35 73 apartment units, as authorized under Section 8 of the Housing Act of 1937, as amended. PBV housing assistance would be provided for an initial contract term of 20 years, with a possible automatic renewal of an additional 20 years, subject to annual appropriations from the federal

government and SCCHA’s determination that the owner is in compliance with the Housing Assistance Payment contract and other applicable HUD requirements, for a total of forty (40) years. The estimated total funding for rental subsidy committed is \$23,629,200 **\$39,450,720** (**\$1,972,536** ~~1,181,460~~ annually) for the initial 20-year term of the Housing Assistance Payment contract and

**Page 5:**

Screenshot needs to be replaced to reflect that Montessori School is no longer under Construction.

**Page 6:**

Screenshot needs to be replaced to reflect updated Site Plan of Ground Level.

**Page 7:**

contingent upon the availability of Section 8 funds as allocated by the federal government. ~~Please note that the actual amount may be up to \$5,000,000 more to account for market changes.~~

<b>Table 1: Funding Sources</b>		
<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
N/A	Section 8 PBVs – 35 <b>73</b> units	\$23,629,200 <b>39,450,720*</b>
<b>Estimated Total HUD Funded Amount</b>	\$23,629,200 <b>66,969,514</b>	
<b>Estimated Total Project Cost (HUD and non-HUD funds)</b>	\$90,600,000 <b>183,229,358</b>	

~~\*\$1,181,460~~ 1,972,536 annually for 20 years

**Estimated Total Project Cost:**

- The estimated total project cost is \$90,600,000 **183,229,358.**

The 1988 Mayor’s Task Force on Housing developed the initial policies that governed the City’s affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated into the City’s Affordable Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council on **June 1, 2023 for Fiscal Years 2023/2024 – 2027-28.** ~~June 4, 2018 for Fiscal Years 2017/18-2021/22.~~

**Page 26:**

**Conformance with Plans/ Compatible Land Use and Zoning / Scale and Urban Design**

The proposed project is consistent with the permitted land uses under the General Plan land use designation and would be consistent with landscaping and parking requirements of the City's Residential Design Guidelines. The project would be 850 feet tall, consistent with the allowable height limit under the Southwest Urban Village Plan.

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**Educational and Cultural Facilities**

The proposed 233 units of affordable housing and approximately 1,7820 square feet of retail are not anticipated to have impacts on education or cultural facilities since the project is designed for low-income residents.

**Page 31:**

**Solid Waste Disposal / Recycling**

The proposed 233 units of affordable housing and approximately 1,7820 square feet of retail would not impact solid waste disposal/recycling facilities. The project would result in an incremental increase in solid waste disposal, but would not exceed the capacity of the supporting infrastructure.

**Wastewater / Sanitary Sewers**

The proposed 233 units of affordable housing and approximately 1,7820 square feet of retail would not impact wastewater/sanitary sewer services, but would result in an incremental increase in wastewater and sanitary sewer services. The proposed development is estimated to generate 54,716 gallons of wastewater per day (gpd), a net increase of 54,536 gpd over existing conditions. There is available wastewater treatment capacity to serve the proposed project.

**Water Supply**

The proposed 233 units of affordable housing and approximately 1,7820 square feet of retail would not impact the water supply, but would result in an incremental increase in water consumption. The proposed development is estimated to use 68,395 gpd for potable water and irrigation requirements, a net increase of approximately 68,170 gpd over existing conditions. The project site is served by the San José Water.

**Page 32:**

**Public Safety – Police, Fire and Emergency Medical**

The proposed 233 units of affordable housing and approximately 1,7820 square feet of retail would not impact police, fire, or medical services. The project would not, by itself, preclude the San José Fire Department and San José Police Department from meeting their service goals and

would not require the construction of new or expanded fire or police facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. The project would not require a significant change in emergency police, fire, and medical services already provided in the area.

### **Parks, Open Space and Recreation**

The proposed 233 units of affordable housing and approximately 1,782~~0~~<sup>9</sup> square feet of retail would not result in substantial impacts on parks, open space, or recreation. The project is located approximately 700 feet northeast of St. Elizabeth Park, and is located within an area adequately served by parks and recreational facilities. While the project would result in an incremental increase in demand, the project would be subject to City of San José development fees to accommodate the incremental demand. The project would be required to pay fees consistent with the Parkland Dedication Ordinance (PDO). These fees would be used to improve existing parkland and recreational facilities.

### **Page 33:**

### **Unique Natural Features, Water Resources**

The proposed 233 units of affordable housing and approximately 1,782<sup>9</sup> square feet of retail would be located on an infill lot, which is currently developed with two single-family residences and an accessory structure. The site is surrounded by an assisted living facility, a church, multi-family residences, a Montessori school (~~under construction~~), and commercial/retail businesses. The project would not impact unique natural features or water resources. There are no surface waters on or adjacent to the project site. Los Gatos Creek is approximately 0.3 mile east of the project site, separated by existing development, and would be unaffected by the project

### **Vegetation, Wildlife**

The project site is located on an infill lot, currently developed with two single-family residences and an accessory structure, located in an urban area. Surrounding uses include an assisted living facility, a church, multi-family residences, a Montessori school (~~under construction~~), and commercial/retail businesses. The project would not impact any natural habitat containing endangered species or any designated or proposed critical habitat. The project would remove 41 existing trees that would be replaced in accordance with the City of San José replacement ratios

### **Page 47:**

### **Reuse of Single-Family Residence No. 2**

Under this alternative, the single-family residence at 971 Meridian Avenue would be converted into additional retail space. To make the retail space viable, the house would need to be relocated along the roadway frontage at the southeast corner of the proposed building. This would require relocating some or all of the ground floor residential amenity space elsewhere in the building,

which would result in the loss of parking or dwelling units. Additional residential parking spaces would also be lost to provide additional retail parking spaces. The project proposes ~~eight~~ **nine** parking spaces for 1,78**20** gross square feet of retail, **which includes one EV space**. The residence is over 3,000 square feet, so would require up to 16 additional parking spaces (assuming the same parking ratio). The additional parking could not be accommodated for the retail with the current parking configuration because of the proposed tandem spaces and security gates. This alternative would have a maximum of 203 dwelling units, a reduction of 30 units (six per floor) compared to the proposed project

**Page 48:**

The proposed project would be a 233-unit affordable housing development in the City of San José. The project would be located at 961-971 Meridian Avenue. The applicant would demolish two single-family houses (one of which has been determined to be eligible for listing as a candidate City Landmark) and construct a six-story residential building with 233 dwelling units and approximately 1,78**20** square feet of ground floor retail. The project would have one ~~level of below-grade and one level of~~ **two levels of parking beginning at ground level above-grade parking** with a total of ~~290~~ **275** parking spaces (including ~~nine~~ **twenty-eight** electric vehicle charging stations) and 63 bicycle parking spaces. On-site residential amenities would include a community room, gym, computer room, **laundry, gated access, courtyards, recreational areas, tot-lot,** and two courtyards **on the second floor**.

**Page 65:**

- **Funding Information (updated information highlighted):**
  - Grant / Project Identification Number: 121-98125
  - HUD Program: YHN 542(c)- HFA Risk Sharing- New Construction
  - Funding Amount: \$66,969,514
  - Estimated Total HUD Funded Amount: \$66,969,514
  - Estimated Total Project Cost: \$183,229,358

**Page 66:**

**Determination:**

- **Determination:**

☒ Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

☐ Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment

Certifying Officer Signature: Tiena Johnson Hall Date: 7/24/2023

Name/Title: Tiena Johnson Hall, Executive Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**Note: This document was completed in February 2021, but this page was inadvertently left unsigned. The City corrected this oversight in May 2023.**

**7015.15 certified by Certifying Officer on:**

**7015.16 certified by Authoring Officer on:**

**Funding Information**

<b><u>Grant / Project Identification Number</u></b>	<b><u>HUD Program</u></b>	<b><u>Program Name</u></b>
121-98125	YHC-542(c) HFA Risk Sharing – FFB – NC	HUD Risk-Share / FFB

Estimated Total HUD Funded Assisted or Insured Amount: \$66,969,514

Estimated Total Project Cost [24 CFR 58.2 (a)(5)]: \$183,229,358

# **Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58**

## **Project Information**

**Project Name:** Meridian Apartments Project

**Responsible Entity:** City of San José

**Grant Recipient:** ROEM Development Corporation

**Preparer:** David J. Powers and Associates, Inc. for the City of San José

**Certifying Officer Name and Title:** Rosalynn Hughey, Director of Planning, Building and Code Enforcement

**Consultant:** David J. Powers and Associates, Inc.

**Direct Comments to:** Reema Mahamood, Planner III  
Department of Planning, Building and Code Enforcement  
City of San José  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113  
[Reema.mahamood@sanjoseca.gov](mailto:Reema.mahamood@sanjoseca.gov)

## Project Location:

The 2.1-acre project site is located west of Meridian Avenue at 961-971 Meridian Avenue (accessor's parcel numbers 284-03-015, -016, and -049) in the City of San José. The location of the project site is shown on Figures 1, 2, and 3.

## Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The project site is constructed with two single-family residences and an accessory structure, totaling approximately 19,676 square feet. The single-family residences are currently vacant. Vehicular access to the project site is provided via four driveways off Meridian Avenue. The project site is bounded by single-family residences to the north, Meridian Avenue to the east, a Montessori school (currently under construction) to the south, and multi-family residences to the west.

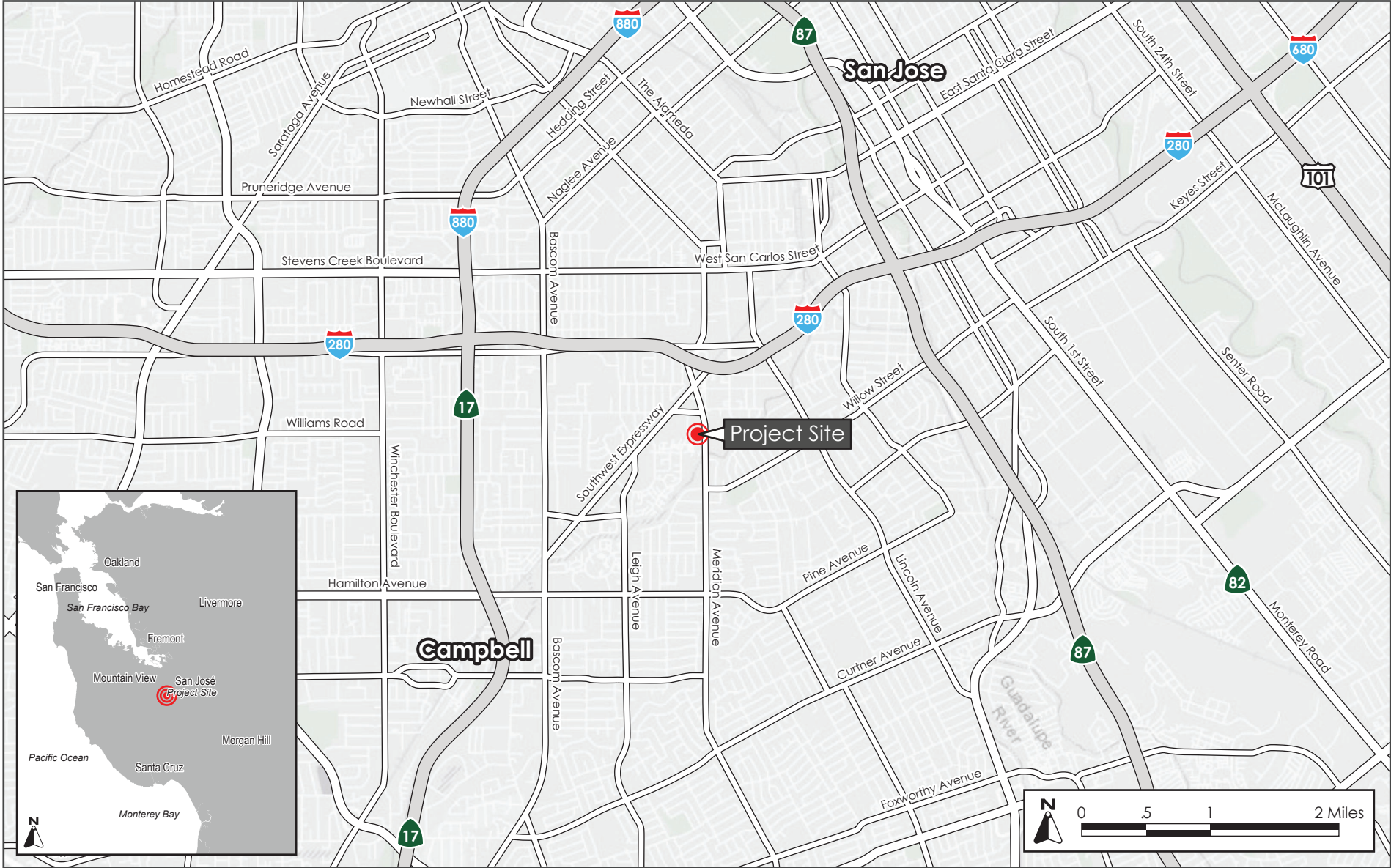
As proposed, the project would demolish the existing structures on-site and construct a six-story, 233-unit residential building with approximately 1,780 square feet of retail (refer to Figure 4). The proposed retail would be located along Meridian Avenue. In addition, a community room, gym, and computer room is proposed on the ground floor. Two courtyards would be located on the second floor. The project would have a maximum building height of approximately 80 feet.

The project proposes one level of below-grade parking and one level of above-grade parking which would consist of 290 parking spaces. Of the 290 parking spaces, 273 would be for residences, eight would be for retail parking, and the remaining nine are for electrical vehicles (EV). Additionally, the project proposes 63 bicycle parking spaces (26 short-term spaces and 37 long-term spaces). There are a total of four existing driveways off Meridian Avenue. The project would retain one driveway (on the northernmost portion of the site) and the remaining three would be removed. A new driveway is proposed on the southern portion of the site which would serve as the primary access. The driveway being retained would serve as a secondary fire truck access.

The proposed project is designated *NCC – Neighborhood/Community Commercial* under the General Plan and is zoned *R-M – Residence District (Multiple Unit/Lot)*. The project would be required to be built in accordance with the California Building Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.

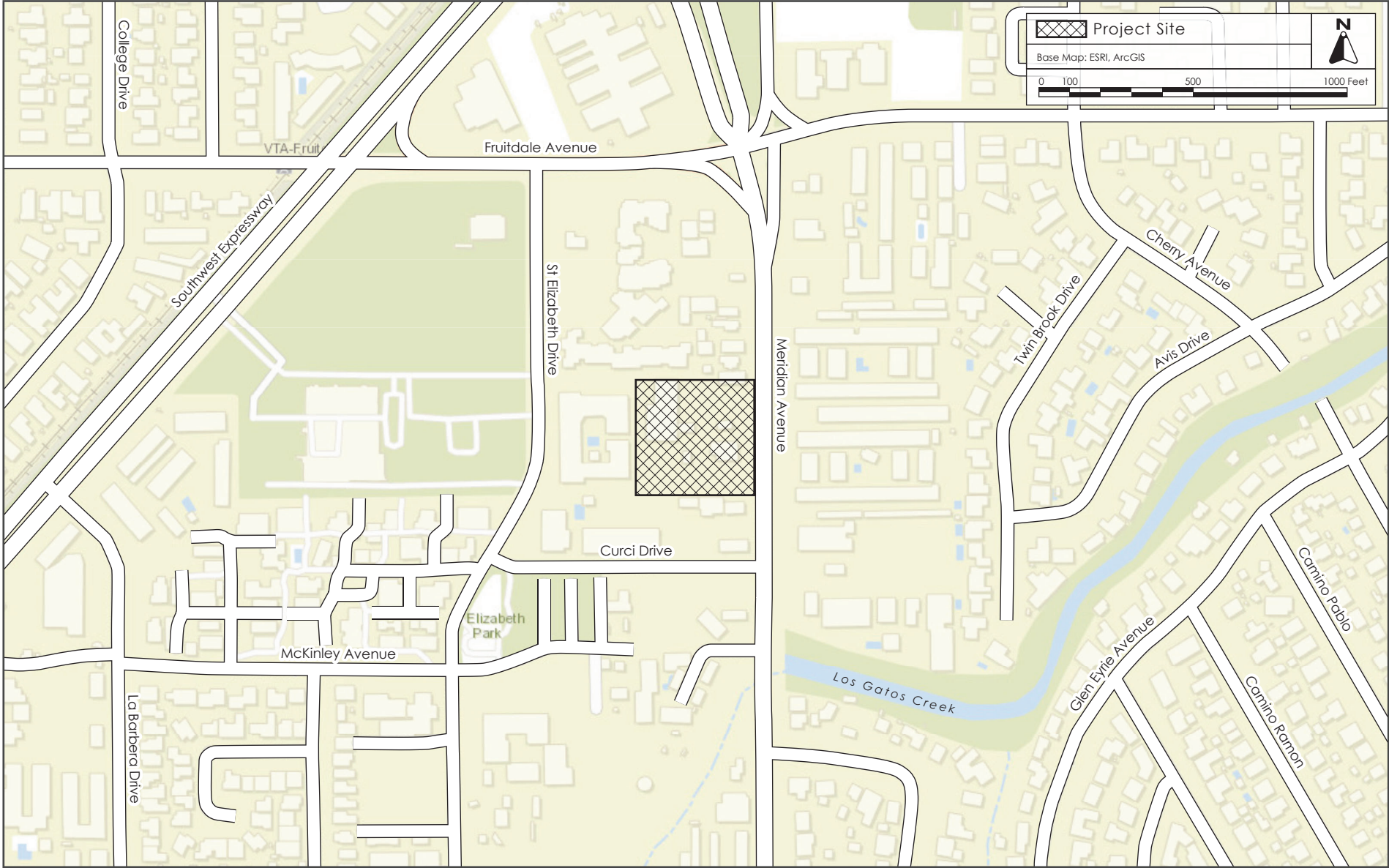
## Funding Sources:

- The Santa Clara County Housing Authority (SCCHA) has committed Section 8 housing assistance for the project in the form of Project Based Vouchers (PBVs) for 35 apartment units, as authorized under Section 8 of the Housing Act of 1937, as amended. PBV housing assistance would be provided for an initial contract term of 20 years, with a possible automatic renewal of an additional 20 years, subject to annual appropriations from the federal government and SCCHA's determination that the owner is in compliance with the Housing Assistance Payment contract and other applicable HUD requirements, for a total of forty (40) years. The estimated total funding for rental subsidy committed is \$23,629,200 (\$1,181,460 annually) for the initial 20-year term of the Housing Assistance Payment contract and



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



FIGURE 4

contingent upon the availability of Section 8 funds as allocated by the federal government. Please note that the actual amount may be up to \$5,000,000 more to account for market changes.

Table 1: Funding Sources		
Grant Number	HUD Program	Funding Amount
N/A	Section 8 PBVs – 35 units	\$23,629,200*
Estimated Total HUD Funded Amount		\$23,629,200
Estimated Total Project Cost (HUD and non-HUD funds)		\$90,600,000

\*\$1,181,460 annually for 20 years

#### Estimated Total Project Cost:

- The estimated total project cost is \$90,600,000.

#### Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

Subsidized rental housing for lower income individuals is in high demand in the City of San José and throughout Santa Clara County. To help subsidize tenant rents within the targeted income levels and to reach deeper levels of affordability within the City, federal rental assistance is needed. The City of San José is completing U.S. Department of Housing and Urban Development (HUD) NEPA review for the affordable residential mixed-use development project, because the project sponsor, ROEM Development Corporation, proposes to obtain a loan from the City of San José and use funding from Project-Based Vouchers.

The 1988 Mayor's Task Force on Housing developed the initial policies that governed the City's affordable housing program. Since that time, the City has adopted a series of five-year plans to govern the allocation of affordable housing funding. Policies included in the Consolidated Plan, the Ten-Year Plan to End Chronic Homelessness, and the Housing Element are incorporated into the City's Affordable Housing Investment Plan (HIP). The most recent HIP was adopted by the City Council on June 4, 2018 for Fiscal Years 2017/18-2021/22.

These policies contribute to the creation of a comprehensive Citywide housing vision and ensure that affordable housing resources are distributed equitably and serve those most in need. Faced with competing priorities and limited resources, the City must develop policies that balance these concerns while continuing to provide the greatest good to the largest number of residents.

The proposed action would help meet the City of San José's goals for housing that are listed in the General Plan, including: (1) providing housing in a range of housing densities, especially higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population; (2) increasing, preserving, and improving San José's affordable housing stock; (3) creating and maintaining safe and high quality housing that contributes to the creation of great neighborhoods and great places; and (4) providing housing that minimizes the consumption of natural resources and advances the City's fiscal, climate

change, and environmental goals. The Meridian Apartments Project would make a positive impact in addressing the need for affordable housing in San José while enhancing the overall look and feel of the neighborhood.

## **Existing Conditions and Trends [24 CFR 58.40(a)]:**

### **Regional Outlook**

The Bay Area continues to be one of the most expensive real estate markets in the country. Most Bay Area homes are unaffordable for families with average household incomes. As detailed in the San José Housing Element, despite the prevalence of highly skilled, high-wage workers in Silicon Valley, data from the California Employment Development Department (EDD) show a divergent trend in the region: while about one third of Santa Clara County's workforce command high salaries in the range of approximately \$86,000 to \$144,000 per year, nearly half of all jobs pay low-income wages between \$19,000 and \$52,000 annually. Further, projections from EDD anticipate that more than half of the new jobs created in the County over the next few years will pay \$15.00 per hour or less. These working-class wages are not enough to pay for housing costs without creating a housing burden, defined as housing costs that exceed 30 percent of income. Low levels of housing production, relative to demand, contribute to this region's high housing costs. Further, the market has not produced housing that is naturally affordable to low-income households, and public resources for affordable housing have been significantly diminished in recent years. As such, both the existing and future need for affordable housing in San José is considerable and far exceeds available supply.

The low housing availability also contributes to higher home prices. In many Bay Area communities, mostly large single-family homes are planned for and built. This offers consumers limited choice in housing types, especially relatively more affordable smaller homes, condominiums, townhomes, or apartments.

Multi-family housing can provide affordable options for individuals and families. Multi-family housing comes in a range of prices, but it can often include more affordable options than single-family homes. The proportion of multi-family housing built in the Bay Area has increased in the last few years. About one third of the region's total housing stock is in multi-family structures.

### **Local Perspective**

According to the Santa Clara County Housing Needs Allocation, 2015 to 2023 (Table 2) prepared by the Association of Bay Area Governments (ABAG), the City of San José needs to add 35,080 new units by 2022 (of which 9,233 would be very low, 5,428 would be low, and 6,188 would be moderate income units) in order to meet the needs for affordable housing.

<b>Table 2: Santa Clara County Housing Needs Allocation, 2015-2023</b>					
<b>Jurisdiction</b>	<b>Very Low &lt;50 Percent</b>	<b>Low &lt; 80 Percent</b>	<b>Moderate &lt;120 Percent</b>	<b>Above Moderate</b>	<b>Total</b>
Campbell	253	138	151	391	933
Cupertino	356	207	231	270	1,064
Gilroy	236	160	217	475	1,088

<b>Table 2: Santa Clara County Housing Needs Allocation, 2015-2023</b>					
<b>Jurisdiction</b>	<b>Very Low &lt;50 Percent</b>	<b>Low &lt; 80 Percent</b>	<b>Moderate &lt;120 Percent</b>	<b>Above Moderate</b>	<b>Total</b>
Los Altos	169	99	112	97	477
Los Altos Hills	46	28	32	15	121
Los Gatos	201	112	132	174	619
Milpitas	1,004	570	565	1,151	3,290
Monte Sereno	23	13	13	12	61
Morgan Hill	273	154	185	316	928
Mountain View	814	492	527	1,093	2,926
Palo Alto	691	432	278	587	1,988
San José	9,233	5,428	6,188	14,231	35,080
Santa Clara	1,050	695	755	1,593	4,093
Saratoga	147	95	104	93	439
Sunnyvale	1,640	906	932	1,974	5,452
Unincorporated	22	13	214	28	277
<b>Total</b>	<b>16,158</b>	<b>9,542</b>	<b>10,636</b>	<b>22,500</b>	<b>58,836</b>
<b>Source:</b> Association of Bay Area Governments. <i>Final Regional Housing Needs Allocation – Santa Clara County</i> . Adopted July 18, 2013.					

## COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The project site is not located within any airport influence area, airport clear zones, or safety zones (see Figures 5 through 7). The proposed building height of approximately 80 feet exceeds the Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) notification surface of approximately 70 feet. FAA issuance of a Determination of No Hazard will be obtained by the project prior to construction.</p> <p>[Source: (53), (79)]</p>
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project site is an infill parcel within an urbanized area of San José. The site is not located in or near a coastal zone or costal barrier resource area.</p> <p>[Source: (14)]</p>
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project is located within the Federal Emergency Management Agency's (FEMA's) Flood Zone D (Map No. 06085C0241H), an area of undetermined but possible flood hazard that is outside the 100-year floodplain (refer to Figure 8). The project site is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP).</p> <p>The project complies with flood insurance requirements.</p>

		[Source: (44)]
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The proposed project would conform to the federal Clean Air Plan. Based on the location, service area, and objectives of the project, the project would not substantially increase air emissions in the project area.  [Source: Appendix C]
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located in a coastal zone, as defined by the California Coastal Act (Public Resources Code, Division 20, Section 3000 et seq.). The nearest coastal zone is located over 20 miles east in Santa Cruz County. A Coastal Development permit is not required for the project.  [Source: (14)]
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p><i>A Phase I Environmental Site Assessment (ESA) was prepared by Earth Systems Pacific in August 2018.</i></p> <p>A stockpile of soils was observed on-site and a UST is reportedly present on-site. Additionally, the project site was previously used for agricultural purposes from 1939 until at least 1982. Construction activities on-site could expose construction workers and/or nearby residences to residual agricultural contamination, stockpiles of soil, and residual contamination from previous industrial operations.</p> <p>Mitigation measure <b>MM HAZ-2.1</b> includes preparation of a Phase II ESA to investigate potential soil contamination. The Phase II ESA should evaluate potential soil impacts associated with prior agricultural uses, lead based paint in soil surrounding structures, stockpiles of soil previously left on the property, and the area south of the accessory structure where disposal of hydraulic fluid and</p>

		<p>motor oil in pits was reported to have occurred, and any other issues identified in the Phase I ESA. If the Phase II ESA results indicate soil contamination above San Francisco Regional Water Quality Control Board Environmental Screening Levels (ESLs) for residential and/or construction worker safety, the project applicant must obtain regulatory oversight from Santa Clara County Department of Environment Health (SCCDEH). A Site Management Plan shall be prepared and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the proposed development under the regulatory oversight of the Santa Clara County Department of Environmental Health's (SCCDEH's) or State Department of Toxic Substances Control (DTSC) (<b>MM HAZ-2.2</b>). To investigate the potential underground tank identified in the Phase I ESA, a magnetometer survey shall be performed in the area of the standpipe at 961 Meridian Avenue (<b>MM HAZ-2.3</b>). If a UST is discovered, the project applicant shall obtain all proper UST removal permits from the City of San José Fire Department and SCCDEH and remove the UST. If the UST has been determined to have leaked, a leaking UST investigation must be performed under the oversight of the SCCDEH, and any mitigation such as removal of contaminated soil and groundwater investigations must be performed. A report of the magnetometer survey, UST removal (if found), and evidence of regulatory oversight if the UST has been determined to have leaked must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of grading permits.</p> <p>[Source: (Appendix E), (42)]</p>
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<p><b>Endangered Species</b> Endangered Species Act of 1973, particularly Section 7; 50 CFR Part 402</p>	<p>Yes    No <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>The United States Fish and Wildlife Service (USFWS) was contacted for a list of threatened and endangered species that may occur within the boundary of the proposed project and/or be affected by the proposed project (see Appendix J). The species of concern are:</p> <ul style="list-style-type: none"> <li>• California Clapper Rail</li> <li>• California Least Tern</li> <li>• California Red-legged Frog</li> <li>• California Tiger Salamander</li> <li>• Delta Smelt</li> <li>• Bay Checkerspot Butterfly</li> <li>• San Bruno Elfin Butterfly</li> <li>• Robust Spineflower</li> </ul> <p>The project site is located within an urbanized, developed area. The site is currently developed with two single-family residences and an accessory structure. Urban habitats including street trees, landscaping, lawns, and vacant lots, provide habitat for wildlife that is adapted to the modified environment. The project site is not located within any mapped critical habitat for any species.</p> <p>No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site, and no sensitive species are anticipated in this area of the City of San José. The project site is located within the study area of the Santa Clara Valley Habitat Plan (SCVHP). According to the Santa Clara Valley Habitat Agency Geobrowser, the project site is designated as <i>Urban-Suburban</i> and is not located in any Land Cover Fee Zones or Plant or Wildlife Survey Area.</p> <p>If construction of the proposed project occurs during the bird nesting season (February 1<sup>st</sup> through August 31<sup>st</sup>), construction activities have the potential to impact nesting birds that are protected under the federal Migratory Bird Treaty Act (MBTA). <b>MM BIO-1.1</b> includes nesting bird surveys and buffer zones to avoid</p>
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		<p>construction-related impacts to nesting birds and raptors. With implementation of <b>MM BIO-1.1</b>, the project would comply with the Endangered Species Act.</p> <p>[Source: (Appendix J), (54)]</p>
<p><b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p><i>A HUD Explosive and Fire Hazards Review</i> was prepared by Running Moose Environmental Consulting, LLC. in July 2019. The review included a visual survey of the businesses within approximately one mile of the project site. The review and survey was completed in accordance with 24 CFR Part 51 C. There are no explosive or flammable operations on-site. The survey identified two facilities (Chevron Gas Station at 900 Meridian Avenue and Willow Glen Unocal 76 at 1104 Meridian Avenue) within 2,000 feet of the site reporting storage of materials that warranted calculation of Acceptable Separation Distance (ASD). The acceptable separation distance (ASD) is 38 feet and 39 feet from the Chevron and Willow Glen Unocal 76, respectively. The two facilities are located outside the ASD of the project site.</p> <p>There are no facilities storing quantities of explosive and/or flammable materials that did not meet the ASDs in conformance with HUD 24 CFR Part 51 C.</p> <p>[Source: (Appendix H), (52)]</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No <input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>The project is located in an urban area and would not impact any protected farmlands. The project is not actively farmed, subject to a Williamson Act Contract, or designated as Prime Farmland. The project site is designated as Urban and Built-up Land on the 2016 Santa Clara County Important Farmland Map; therefore, the project complies with the Farmland Protection Policy Act.</p> <p>[Source: (16), (17)]</p>

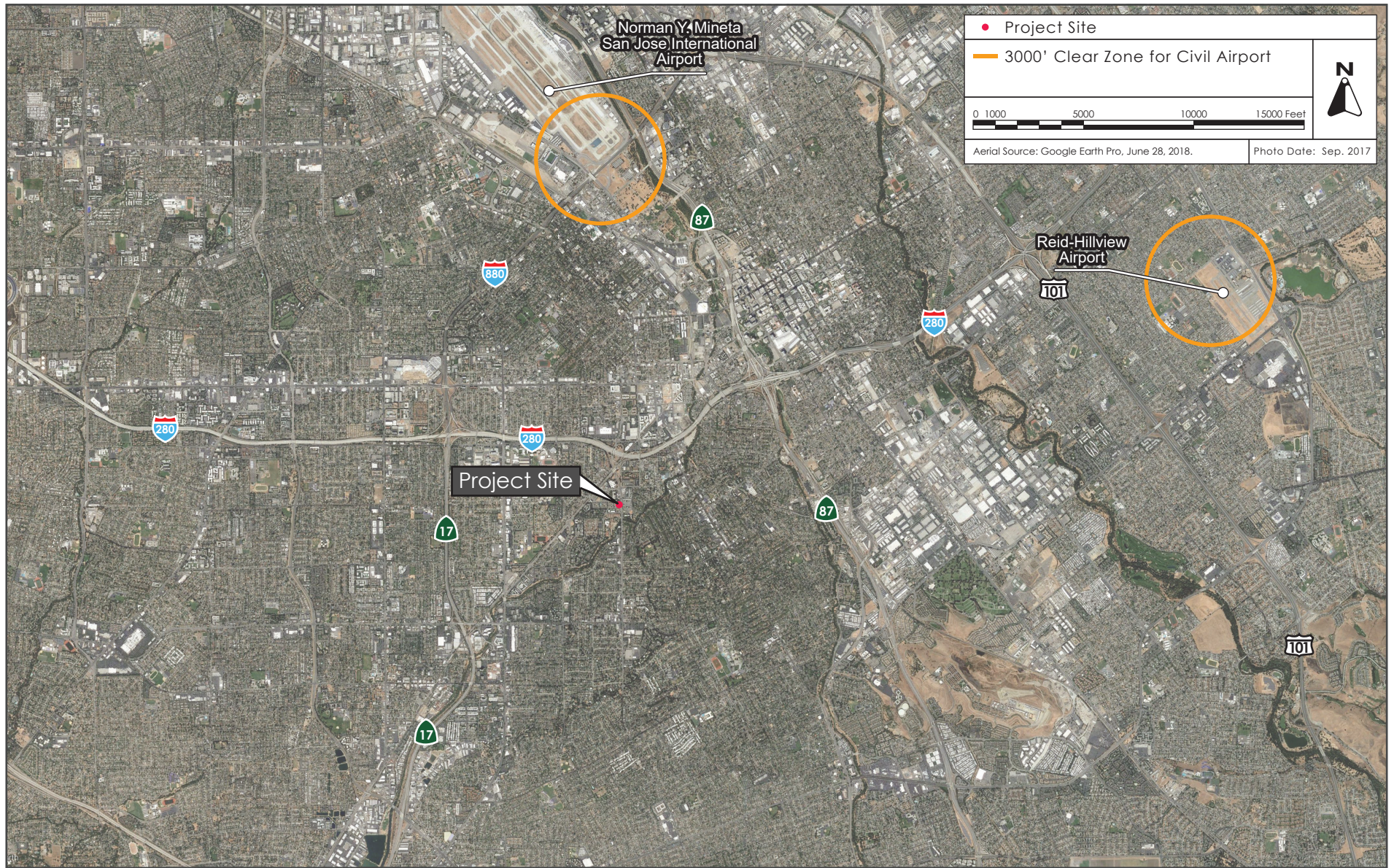
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project site is not located within a 100-year flood zone (see Figure 8). Based on the FEMA flood insurance maps for the City of San José, the project site is designated Zone D, an area of undetermined but possible flood hazard that is outside the 100-year floodplain</p> <p>[Source: (44)]</p>
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>As discussed in the Environmental Impact Report (EIR), there is a difference of expert opinion regarding the local significance of the residence at 971 Meridian Avenue. The historic consultant determined that the building would be ineligible as a local resource. The City's Historic Preservation Officer has determined that the building is eligible for listing as a candidate City Landmark. To reduce the impact to the 971 Meridian Avenue residence, the structure shall be document per Historic American Building Survey (HABS) guidelines, advertised for relocation by a third party, and shall be made available for salvage (if no third party relocates the structure). In addition, a qualified historian shall create a permanent interpretive program, exhibit or display of the history of the property. While the structure at 971 Meridian Avenue was found to be locally significant to the City of San José, the building was determined to not be eligible for listing in the National Register of Historic Places or the California Register of Historic Resources by both the historic consultant and the City's Historic Preservation Officer. The project site is not listed on the City of San José Register of Historic Resources, California's Historic Resources Inventory, or the National Register of Historic Places.</p> <p>The project's Area of Potential Effect for archaeological impacts is limited to the project parcel (see Figure 9). A records search for the project site was completed through the California Historical Resources Information System at the Northwest Information Center.</p>

		<p>A <i>Section 106 Archaeological Literature Search</i> was completed for the project on July 11, 2019.</p> <p>The project's APE for historic resources is the project site and adjacent parcels. No archeological or historic resources were identified on or adjacent to the project site. Unknown Native American resources or human remains could be uncovered during construction activities. The project would implement the City's Standard Permit Conditions related to discovery of archaeological resources or human remains (described in detail in <i>Section 3.1 Cultural Resources</i> of the EIR).</p> <p>A request for review and determination of concurrence with a finding of no adverse effect was submitted to the State Historic Preservation Officer (SHPO) by the City of San José on October 22, 2019 (see Appendix I).</p> <p>[Source: (Appendix I), (46)]</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>HUD environmental noise regulations are set forth in 24 CFR Part 51B. The following noise standards for new housing construction would be applicable to this project:</p> <p>Interior:</p> <ul style="list-style-type: none"> <li>• <u>Acceptable</u> – 45 Day-Night Level (DNL) or less</li> </ul> <p>Exterior:</p> <ul style="list-style-type: none"> <li>• <u>Acceptable</u> – 65 DNL or less.</li> <li>• <u>Normally unacceptable</u> –exceeding 65 DNL but not exceeding 75 DNL.</li> <li>• <u>Unacceptable</u>– Exceeding 75 DNL.</li> </ul> <p>The primary source of noise in the area is traffic along nearby roads.</p> <p>A <i>Noise and Vibration Assessment</i> was completed for the project site by Illingworth &amp; Rodkin, Inc., on November 20, 2019.</p>

		<p style="text-align: center;"><i>Exterior Noise Environment</i></p> <p>Consistent with HUD guidelines, the noise exposure 10 years in the future was considered in addition to the existing noise exposure. Future cumulative exterior noise levels at the project site would continue to result primarily from traffic. With the inclusion of the proposed project and other approved projects in the vicinity, the total noise level increase at the project site would increase by 1.0 A-weighted decibel, or dBA. At a distance of 40 feet from the centerline of Meridian Avenue, future noise exposures would range from 74 to 76 dBA DNL. At the building setback, which is 60 feet from the centerline of Meridian Avenue, the future noise levels would range from 72 to 74 dBA DNL.</p> <p>As proposed, the project would include two podium-level courtyards surrounded by the dwelling units and ground-level open space. The centers of the podium-level courtyards would be approximately 145 and 240 feet from the centerline of Meridian Avenue. At these distances (with shielding), the future exterior noise levels at both proposed courtyards would be below 65 dBA DNL and would meet HUD compatibility criteria.</p> <p>Open space is proposed on the ground floor which would include a garden area and other amenities. The open space would be located approximately 185 feet or more from the centerline of Meridian Avenue. The building would provide partial shielding for the open space. The site plan shows an eight-foot perimeter wall made from concrete panels which would connect to the proposed building on the northern and southern sides of the building by eight-foot, ornamental vehicular swing gates and pedestrian gates. As a Condition of Project Approval, the wall and gates would be solid from ground to top, with no cracks or gaps. The open space area would be adequately shielded from traffic noise along</p>
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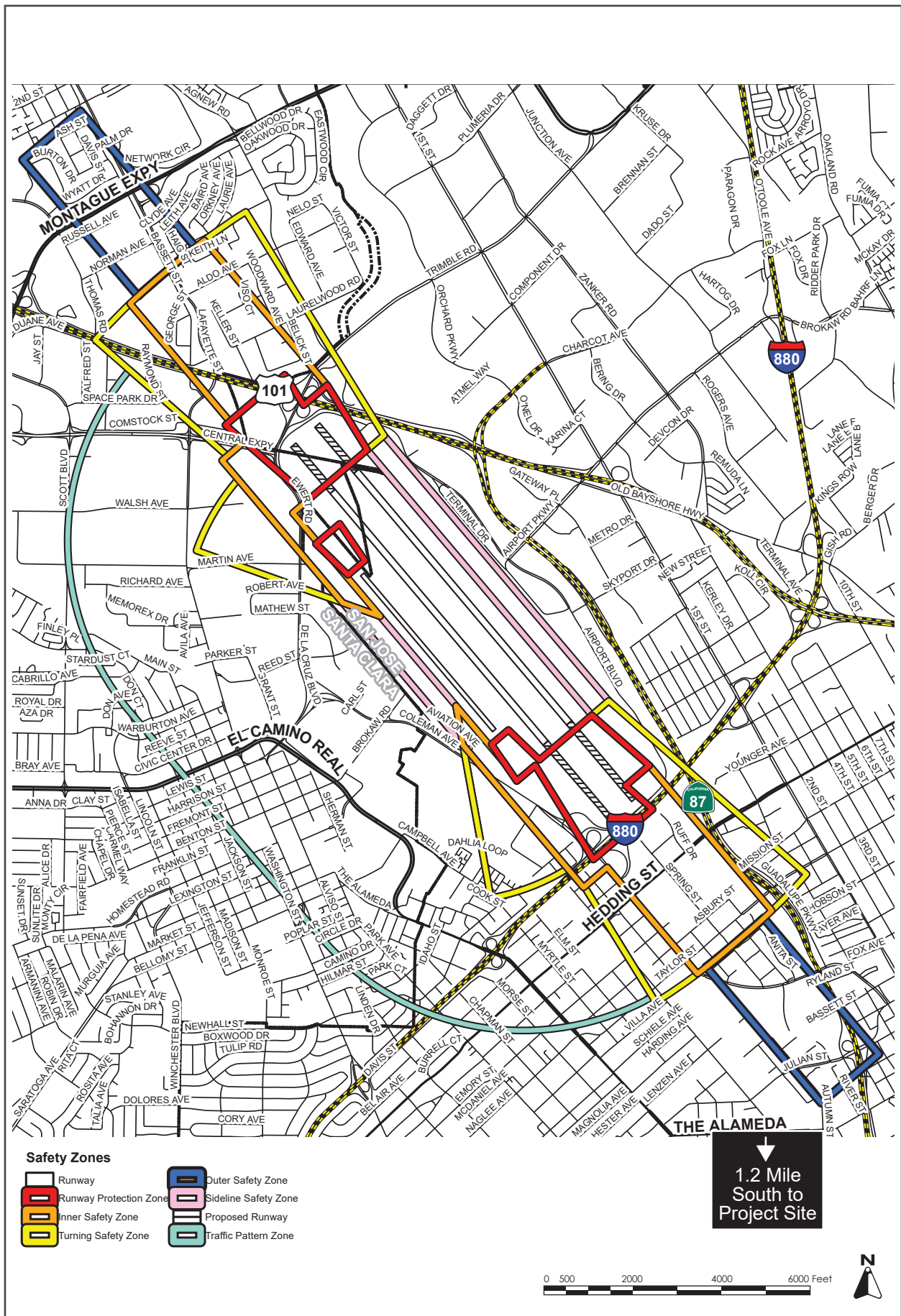
		<p>Meridian Avenue. The future exterior noise levels at the proposed open space would be below 65 dBA DNL and would meet HUD compatibility criteria.</p> <p style="text-align: center;"><i>Interior Noise Environment</i></p> <p>The eastern building façade would be set back from the centerline of Meridian Avenue by approximately 60 feet. At this distance, future exterior noise levels would range from 72 to 74 dBA DNL. The northern and southern building façades would be set back from Meridian Avenue centerline by approximately 60 to 315 feet. At these distances, the units would be exposed to future exterior noise levels ranging from 64 to 74 dBA DNL. In addition, the existing multi-family residences located to the west would provide shielding from St. Elizabeth Drive. The units along the eastern façade would be exposed to exterior noise levels of 64 dBA DNL or less.</p> <p>Typical construction would result in a 20 dBA exterior to interior noise level reduction. Calculations were made to quantify the transmission loss provided by building elements in order to estimate interior noise levels within individual rooms.</p> <p>The project is required to include noise insulation features, including windows and doors with a minimum STC rating of 31 STC and 35 STC, respectively. These windows and doors, in combination with the stucco exterior wall construction, would achieve an outdoor-to-indoor noise reduction of 32 to 34 decibels with windows closed and would maintain interior noise levels below 45 dBA DNL. With these insulation features, the project would comply with HUD Noise Abatement and Control regulations of 24 CFR 51 B.</p> <p>[Source: Appendix F]</p>
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<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no sole source aquifers in Santa Clara County. The project is not supported by a sole source aquifer.  [Source: (74)]
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The nearest designated wetland is a freshwater forested/scrub wetland along Los Gatos Creek, located 0.3 mile west of the project site (see Figure 10).  The project site is an infill parcel located in an urban area and is surrounded by existing development. The site does not contain any wetlands or riparian habitat; therefore, no wetlands would be impacted and the project complies with Executive Order 11990.  [Source: (76)]
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no wild and scenic rivers in Santa Clara County. The nearest designated or candidate wild and scenic river is the Big Sur River, located more than 70 miles south of the project site.  [Source: (77)]
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project includes affordable housing and would not have any disproportionately high health or other negative effects on minority or low-income populations. The houses on the project site are currently vacant, and the project would not displace any minority-owned businesses or residents. The project would facilitate the General Plan goals of the City of San José and provide much-needed rental assistance to benefit low-income populations. Therefore, the project complies with Executive Order 12898.  [Source: (72)]



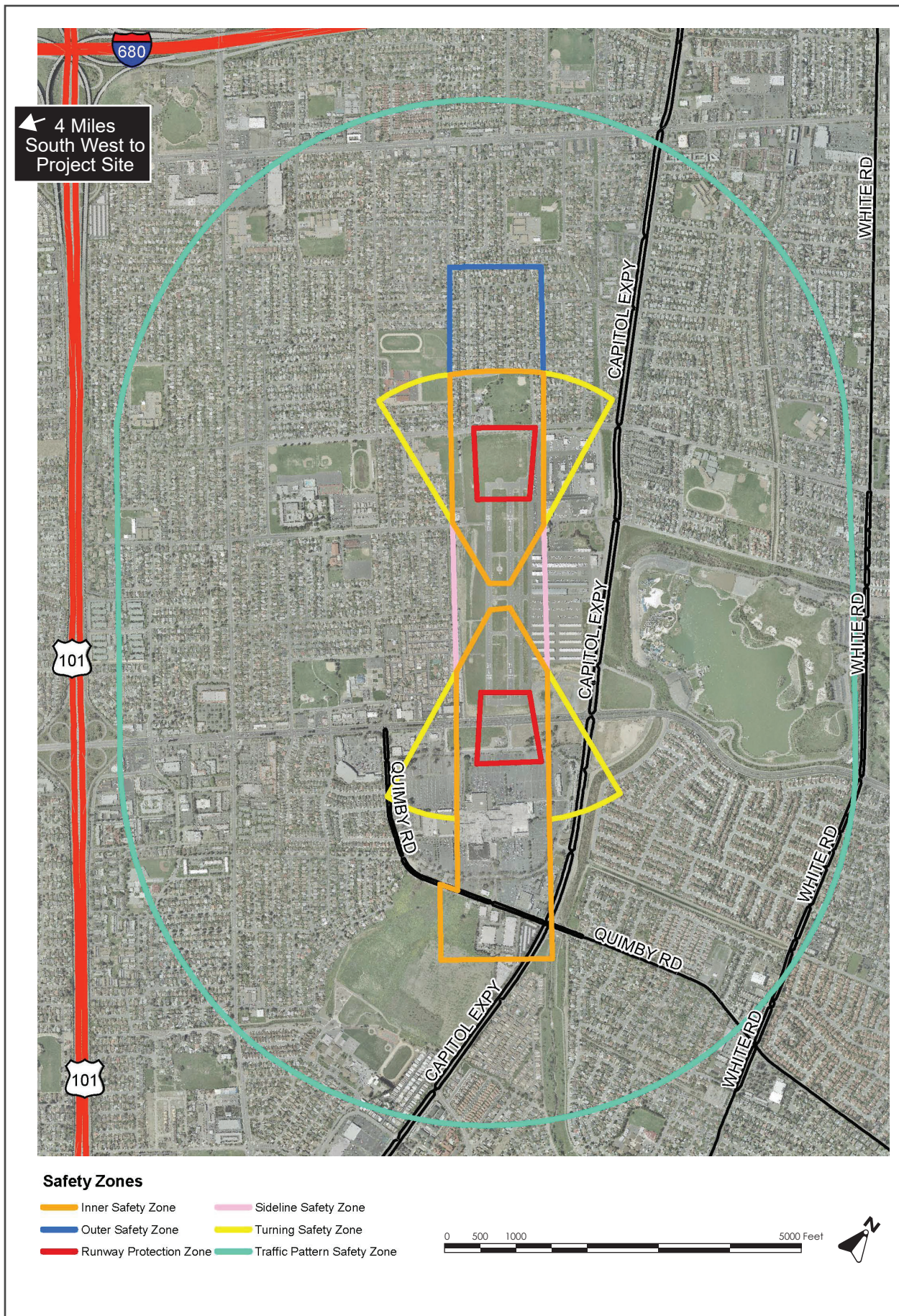
AIRPORT CLEAR ZONES

FIGURE 5



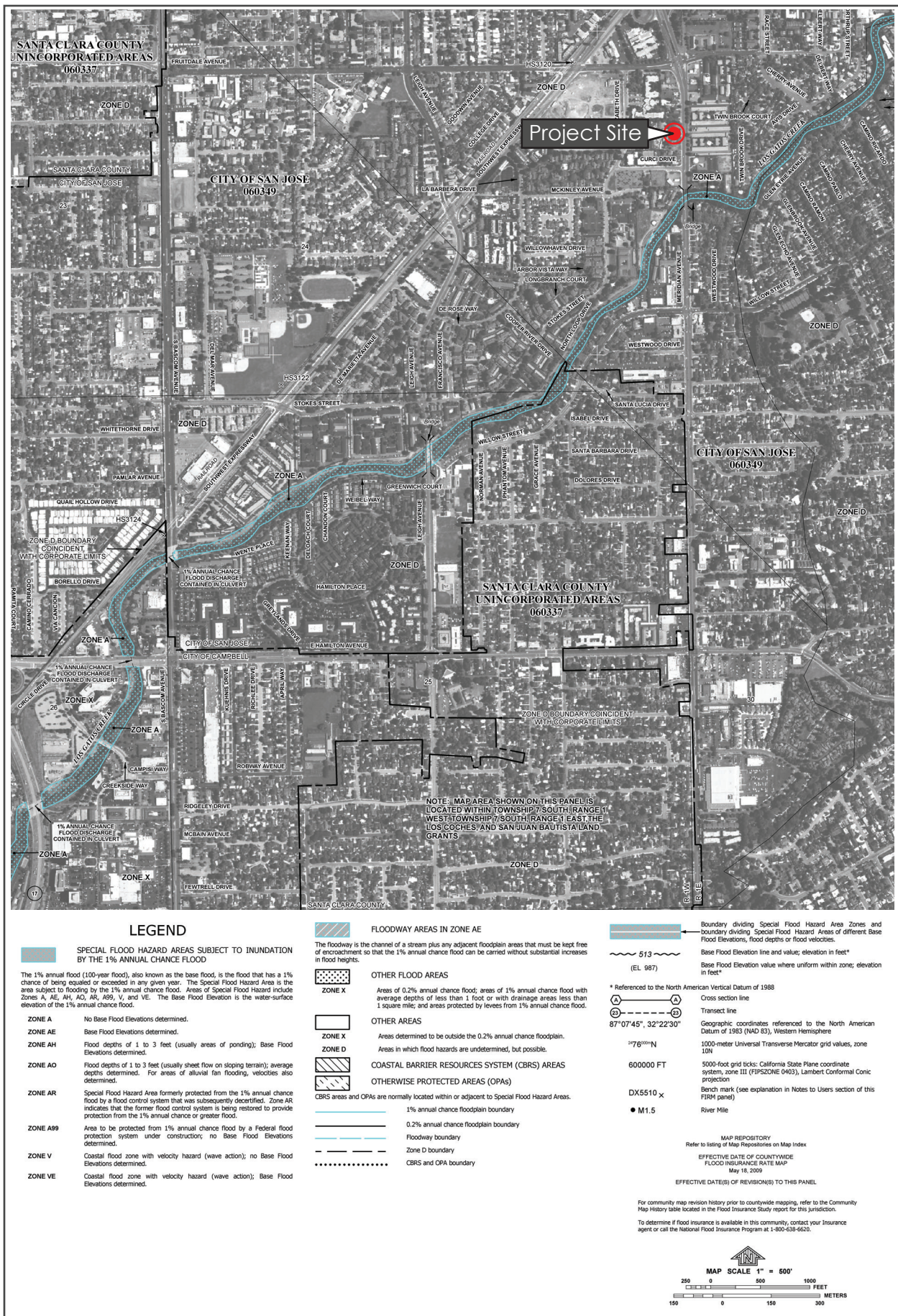
SAN JOSE INTERNATIONAL AIRPORT SAFETY ZONES

FIGURE 6



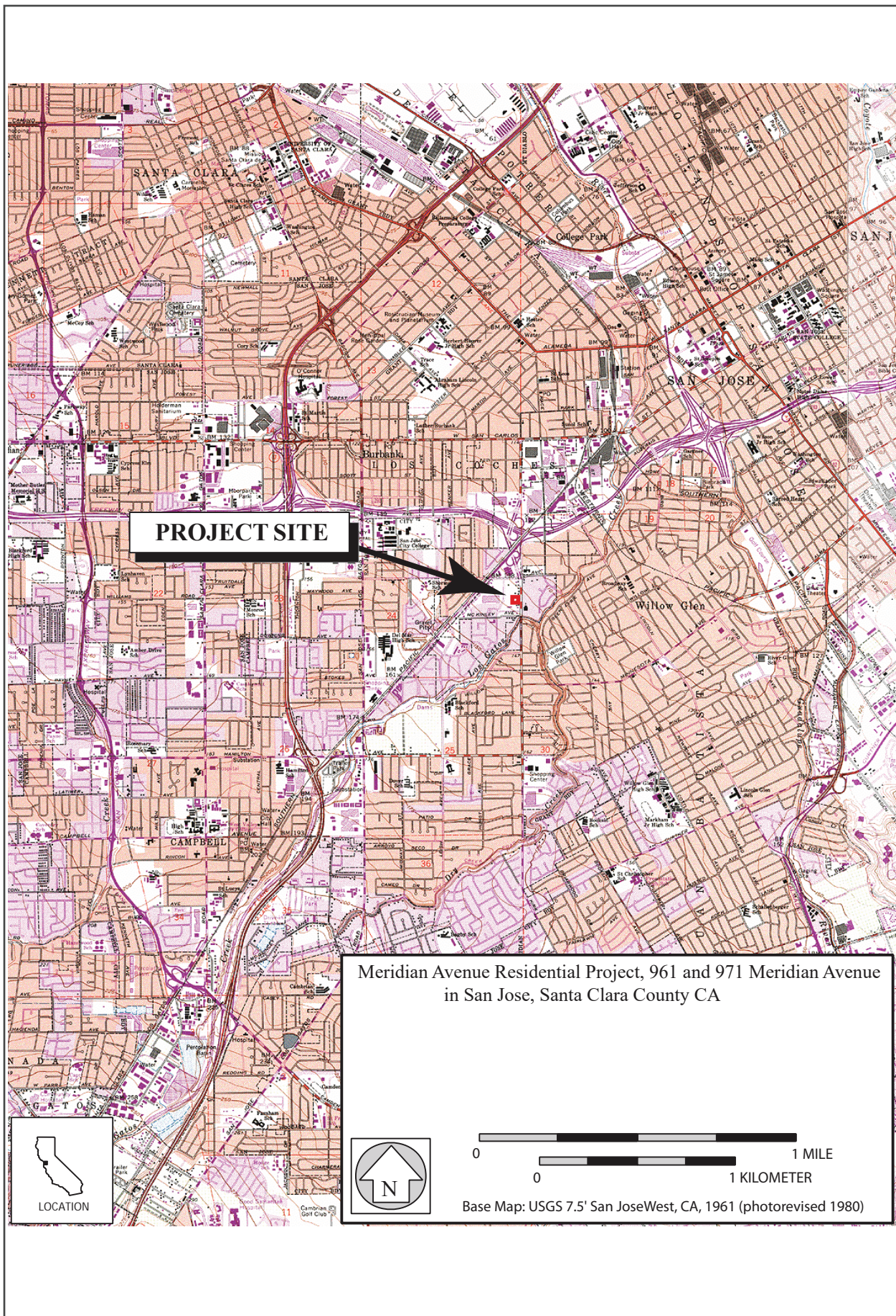
REID-HILLVIEW AIRPORT SAFETY ZONES

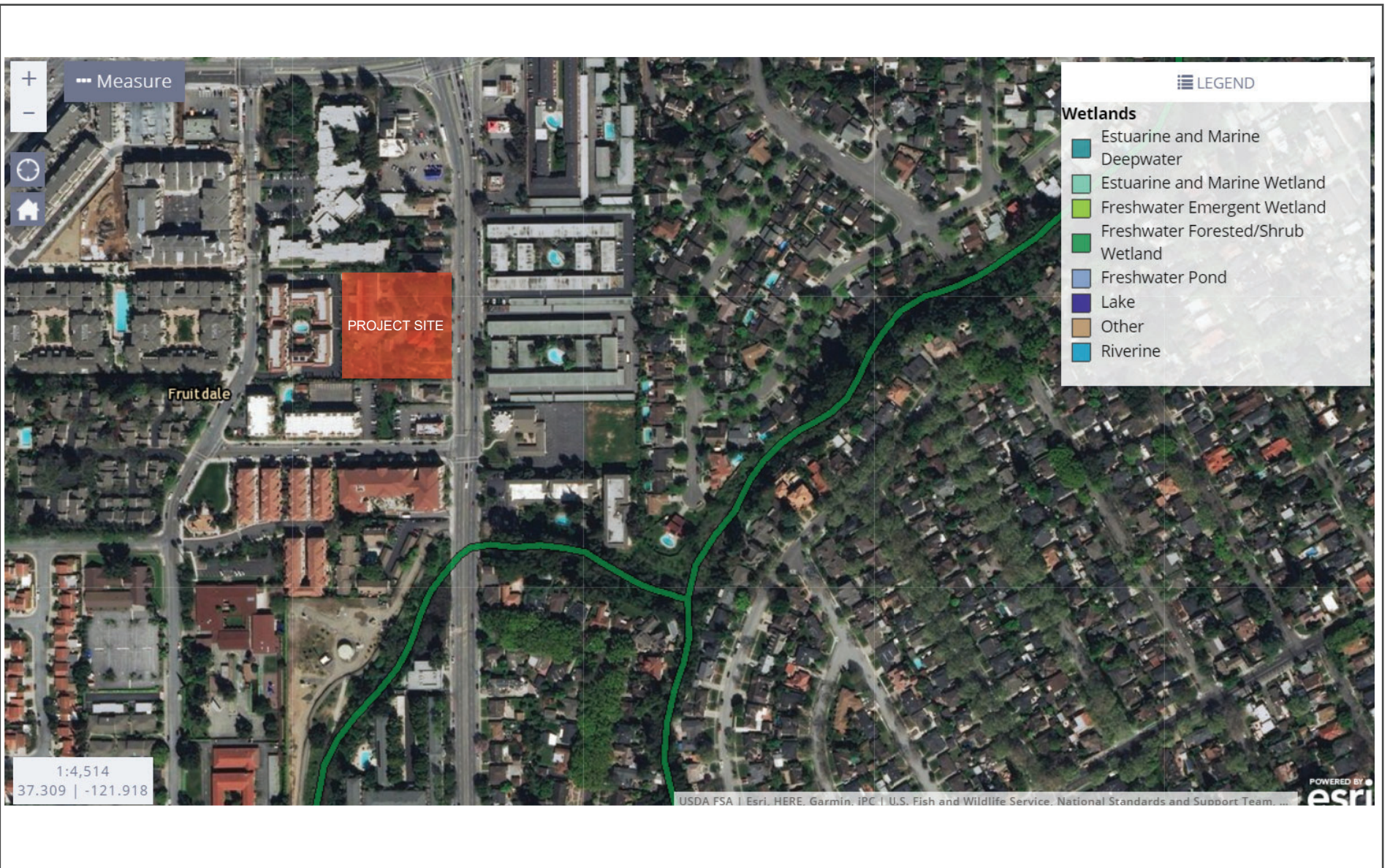
FIGURE 7



FEMA FLOOD INSURANCE RATE MAP

FIGURE 8





USFWS NATIONAL WETLANDS INVENTORY

FIGURE 10

## Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>The project is consistent with the General Plan designation and applicable general plan policies.</p> <p>The project site has a General Plan land use designation of <i>NCC – Neighborhood/Community Commercial</i> and is located within the <i>R-M – Multiple Residence (Multiple Unit/Lot)</i> zoning district. A Special Use Permit would be required in the <i>R-M – Multiple Residence</i> zoning district for any mixed-use project. Additionally, since the project site is located within the Southwest Expressway Urban Village Plan Area, a maximum height of 120 feet (refer to <i>Section 20.85.020(E)</i> of the City’s Municipal Code) would be allowed.</p> <p>The proposed project is consistent with the permitted land uses under the General Plan land use designation and would be consistent with landscaping and parking requirements of the City’s Residential Design Guidelines. <b>The project would be 80 feet tall</b>, consistent with the allowable height limit under the Southwest Urban Village Plan.</p> <p>Surrounding lands uses included residential, recreational, and commercial uses and would not conflict with the</p>

		<p>proposed mixed-use development.</p> <p>[Source: (34)]</p>
<p>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</p>	3	<p><i>Soil Suitability/Slope/Erosion</i></p> <p>The project site is located in a relatively flat area of San José and is underlain by the Santa Clara Valley alluvial basin.</p> <p>The project site is not located in a California Geological Survey Fault Rapture or Landslide Hazard Zone. The project site is not located within a liquefaction zone. Soils on-site have moderate expansion potential. Construction of the project would not result in a liquefaction hazard. Compliance with <b>Standard Permit Conditions</b>, the California Building Code (CBC), and recommendations of a site-specific Geotechnical Report would ensure that expansive soils on-site would not exacerbate risks to life and property.</p> <p>The site is relatively flat and is not located in a landslide hazard zone. Ground disturbance could expose on-site soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. With the implementation of <b>Standard Permit Conditions</b> to reduce erosion during construction, the project would not increase construction-related erosion hazards. Prior to the issuance of a permit for grading activity during the rainy season (October 1<sup>st</sup> to April 30<sup>th</sup>), the applicant would be required to submit an Erosion Control Plan to the Director of Public Works for review and approval.</p> <p>[Source: (41)]</p> <p><i>Drainage/Stormwater Runoff</i></p> <p>The proposed project would disturb approximately 2.1 acres of soil and would disturb more than one acre of land. The project would be required to comply with the NPDES General Permit for Construction Activities. The project would incorporate the identified <b>Standard Permit Conditions</b> to reduce the potential for erosion during construction, and would comply with the City's erosion control policies.</p> <p>The proposed project would not alter the existing drainage pattern of the site or area, or increase the amount of runoff in</p>

		<p>a manner that could potentially exceed the capacity of existing stormwater system or result in erosion or siltation on- or off-site. Because the project would create more than 10,000 square feet of impervious surfaces, the City of San José requires that post-construction measures be undertaken that comply with the requirements of the NPDES Municipal Regional Stormwater permit. The project proposes bioretention areas to manage and treat stormwater runoff.</p> <p>[Source: (34)]</p>
Hazards and Nuisances including Site Safety and Noise	3	<p><i>Hazardous Materials and Safety</i></p> <p>The project would not create a risk of explosion, release of hazardous substances or other dangers to public health.</p> <p>Mitigation measures and design measures have been incorporated into the project to reduce potential impacts related to hazardous materials and noise impacts.</p> <p><i>Seismicity</i></p> <p>The project site is not located in the San Francisco Bay Area, which is considered one of the most seismically active regions in the United States.</p> <p>The project site could experience strong seismic ground shaking and related effects in the event of an earthquake on one of the identified active or potentially active faults in the region. New construction would be required to comply with the latest CBC requirements to reduce the associated risk of property loss and hazards to occupants to a less than significant level. The project would also be constructed in conformance with the CBC to avoid and minimize potential damage from seismic ground shaking.</p> <p>[Source: (41)]</p> <p><i>Noise</i></p> <p>The primary permanent, ongoing noise anticipated at the project site is traffic on nearby roadways. Truck loading and traffic noise associated with the proposed project would not have a long-term significant effect. The project includes a Condition of Project Approval requiring selection and design of mechanical equipment that meets City requirements.</p>

		<p>The project may result in temporary noise from construction. The project includes a construction mitigation measure (<b>MM NOI-1.1</b>) to minimize construction noise impacts on surrounding sensitive noise receptors. Therefore, the project complies with the HUD noise abatement and control regulations of 24 CFR 51B.</p> <p>[Source: Appendix F]</p>
Energy Consumption	2	<p>The new development would not represent a wasteful use of energy. The project would be required to comply with applicable building energy efficiency standards pursuant to Title 24, Part 6 of the California Code of Regulations. At the building permit stage, the project would comply with CALGreen, which establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. The building would be constructed consistent with Council Policy 6-32, CBC requirements, and the City's Green Building Ordinance.</p> <p>[Source: (34)]</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	<p>According to the 2017 Census, the median household income in the project site's census tract is \$62,813. Approximately 5.1 percent of households earned less than \$10,000, 10.5 percent earn between \$10,000 and \$14,999, 6.0 percent earn between \$15,000 and \$24,999, 5.0 percent earn between \$25,000 and \$34,999, 17.8 percent earn between \$35,000 and \$49,999, and 11.8 percent earn between \$50,000 and \$74,999. The project would increase the availability of low-income housing for the residents of San José and Santa Clara County, where such housing is in high demand. No significant change to the demographic character of the neighborhood is expected because of the project, as it is intended to serve the existing population.</p> <p>[Source: (66)]</p>

Demographic Character Changes, Displacement	1	<p>The project would provide affordable housing designed to accommodate the unmet needs of the low-income population of San José and Santa Clara County. The project does not represent a significant change to the demographics of the area or on area social services as it is intended to serve the existing population.</p> <p>[Source: (34)]</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	<p>The proposed 233 units of affordable housing and approximately <b>1,780 square feet of retail</b> are not anticipated to have impacts on education or cultural facilities since the project is designed for low-income residents.</p> <p>In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to CUSD and CUHSD to offset potential increased demands on school facilities.</p> <p>The project would not displace existing cultural facilities nor would it affect cultural facilities by its operation.</p> <p>[Source: (34)]</p>
Commercial Facilities	2	<p>The proposed project would not impact commercial facilities. The project is in an urban area in proximity to shopping and commercial opportunities.</p> <p>[Source: (34)]</p>
Health Care and Social Services	2	<p>The proposed 233 affordable units would provide housing opportunities for low-income residents in San José and Santa Clara County. The project is located within 10 miles of four major hospitals: O'Connor Hospital, the Santa Clara Valley Medical Center, the Kaiser Medical Center, and Good Samaritan Hospital. There are numerous smaller clinics, medical facilities, and convalescent hospitals located nearby.</p> <p>Within the project site's census tract, there are 7,353 total households, of which 1,149 (15.6 percent) are living in poverty. The project would provide affordable housing</p>

		<p>designed to accommodate the unmet needs of the census tract population. The project does not represent a significant change to the demographics of the area or to social services in the area as it is intended to serve the existing population.</p> <p>[Source: (67)]</p>
Solid Waste Disposal / Recycling	2	<p>The proposed 233 units of affordable housing and approximately <b>1,780 square feet of retail</b> would not impact solid waste disposal/recycling facilities. The project would result in an incremental increase in solid waste disposal, but would not exceed the capacity of the supporting infrastructure.</p> <p>[Source: (34)]</p>
Wastewater / Sanitary Sewers	2	<p>The proposed 233 units of affordable housing and approximately <b>1,780 square feet of retail</b> would not impact wastewater/sanitary sewer services, but would result in an incremental increase in wastewater and sanitary sewer services. The proposed development is estimated to generate 54,716 gallons of wastewater per day (gpd), a net increase of 54,536 gpd over existing conditions. There is available wastewater treatment capacity to serve the proposed project.</p> <p>[Source: (39)]</p>
Water Supply	2	<p>The proposed 233 units of affordable housing and approximately <b>1,780 square feet of retail</b> would not impact the water supply, but would result in an incremental increase in water consumption. The proposed development is estimated to use 68,395 gpd for potable water and irrigation requirements, a net increase of approximately 68,170 gpd over existing conditions. The project site is served by the San José Water.</p> <p>The dwelling units to be constructed under the project were accounted for under the planned growth in the General Plan. The City projected adequate water supply to serve the planned growth anticipated from build out of the General Plan. Therefore, there would be adequate water supply to serve the project.</p> <p>[Source: (34)]</p>

Public Safety - Police, Fire and Emergency Medical	2	<p>The proposed 233 units of affordable housing and approximately 1,780 square feet of retail would not impact police, fire, or medical services. The project would not, by itself, preclude the San José Fire Department and San José Police Department from meeting their service goals and would not require the construction of new or expanded fire or police facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. The project would not require a significant change in emergency police, fire, and medical services already provided in the area.</p> <p>[Source: (34)]</p>
Parks, Open Space and Recreation	2	<p>The proposed 233 units of affordable housing and approximately 1,780 square feet of retail would not result in substantial impacts on parks, open space, or recreation. The project is located approximately 700 feet northeast of St. Elizabeth Park, and is located within an area adequately served by parks and recreational facilities. While the project would result in an incremental increase in demand, the project would be subject to City of San José development fees to accommodate the incremental demand. The project would be required to pay fees consistent with the Parkland Dedication Ordinance (PDO). These fees would be used to improve existing parkland and recreational facilities.</p> <p>[Source: (34), (36)]</p>
Transportation and Accessibility	2	<p>Based on a <i>Transportation Analysis</i> completed for the project by Hexagon Transportation Consultants in January 2020, the project is estimated to generate 1,044 new daily trips, including 69 AM Peak Hour and 88 in the PM Peak Hour trips.</p> <p>The project would have a VMT per capita of 7.97 which is below the established VMT threshold of 10.12. The project would not result in inadequate circulation and would provide pedestrians and bicyclists with good connectivity to services in the area. The project would not result in a significant VMT impact nor would the project impede alternative transportation modes.</p> <p>[Source: (Appendix G), (45)]</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	<p>The proposed 233 units of affordable housing and approximately 1,780 square feet of retail would be located on an infill lot, which is currently developed with two single-family residences and an accessory structure. The site is surrounded by an assisted living facility, a church, multi-family residences, a Montessori school (under construction), and commercial/retail businesses. The project would not impact unique natural features or water resources. There are no surface waters on or adjacent to the project site. Los Gatos Creek is approximately 0.3 mile east of the project site, separated by existing development, and would be unaffected by the project.</p> <p>[Source: (34)]</p>
Vegetation, Wildlife	3	<p>The project site is located on an infill lot, currently developed with two single-family residences and an accessory structure, located in an urban area. Surrounding uses an assisted living facility, a church, multi-family residences, a Montessori school (under construction), and commercial/retail businesses. The project would not impact any natural habitat containing endangered species or any designated or proposed critical habitat. The project would remove 41 existing trees that would be replaced in accordance with the City of San José replacement ratios.</p> <p>In compliance with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, the proposed project would implement mitigation measures (<b>MM BIO-1.1</b>), including avoiding the nesting season, completing pre-construction nesting bird surveys, designating buffer zones around identified nests, and reporting findings. These measures would reduce or avoid construction-related impacts to nesting raptors and their nests, if construction cannot be scheduled between September and January (inclusive) to avoid the nesting season.</p> <p>[Source: (34)]</p>
Other Factors	1	<p>Construction of the proposed project would provide safe living conditions for low-income residents by meeting fire, life safety, and Americans with Disabilities Act (ADA) codes.</p>

		[Source: (34), (38)]
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**Technical Studies Performed** (Date and completed by):

- Appendix A:** ECORP Consulting, Inc. *Architectural History Evaluation Buildings at 961-971 Meridian Avenue*. November 2018.
- Appendix B:** City of San José Historic Preservation Officer. *Historic Resource Assessment Supplemental Report*. July 11, 2019.
- Appendix C:** Illingworth & Rodkin, Inc. *961-971 Meridian Avenue Air Quality and Greenhouse Gas Assessment*. September 13, 2019.
- Appendix D:** Soil Survey Staff. *Soil Resource Report*. July 2, 2019.
- Appendix E:** Earth Systems Pacific. *Phase I Environmental Site Assessment*. August 21, 2018.
- Appendix F:** Illingworth & Rodkin, Inc. *961-971 Meridian Avenue Project Noise and Vibration Assessment*. November 20, 2019.
- Appendix G:** Hexagon Transportation Consultants, Inc. *961-971 Meridian Avenue Residential Development Transportation Analysis*. January 30, 2020.
- Appendix H:** Running Moose Environmental Consulting, LLC. *Housing and Urban Development Explosive and Fire Hazards Review*. July 16, 2019.
- Appendix I:** Section 106 Letter to SHPO
- Appendix J:** U.S. Department of the Interior, Fish and Wildlife Service. *List of Threatened and Endangered Species*. September 18, 2019.

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## Field Inspection (Date and Completed By)

Site visit completed June 17, 2019  
David J. Powers & Associates, Inc.  
Fiona Phung, Project Manager

Supplemental information provided by Google Earth views.

## List of Permits Obtained

The project proposes the following Development Approval as listed below:

- SP19-064: Special Use Permit

## Public Outreach [24 CFR 50.23 & 58.43]:

The proposed project will be the subject of community meetings and notified public hearings before the Planning Commission and City Council (of the City of San José). The table below provides a summary of the previous meetings.

Table 3: Public Outreach Summary	
Meeting Type	Date
EIR Scoping Meeting and Community Meeting	May 30, 2019
San José City College Community Meeting	October 24, 2019

## Cumulative Impact Analysis [24 CFR 58.32]:

The potential environmental impacts from the proposed project are primarily short-term impacts associated with the construction of the proposed building. It is possible that other proposed construction schedules in the project area may overlap with the project, but the overlap is likely to be minimal. The proposed project includes mitigation measures to limit disturbance to adjacent land uses and would not result in cumulatively considerable impacts.

## Project Objectives

The stated objectives of the proposed project are to:

1. Provide a project that meets the strategies and goals of the Envision San José 2040 General Plan and Urban Village criteria of locating high density development on infill sites near transit corridors. This project would locate 233 affordable housing units with access to transit and would strengthen Willow Glen as a vibrant pedestrian friendly community.
2. Replace two houses and one barn with an affordable mixed-use project that is designed as a high density (approximately 111 dwelling units per acre), mid-rise, mixed-use project which provides the highest density and best use of the parcel.

3. Provide affordable housing near the light rail so that residents have convenient access to nearby employment.
4. Provide affordable housing close to light rail to encourage future residents to take public transit and be less dependent on cars, thereby reducing traffic congestion.
5. Provide on-site community benefits for the residents including a homework room, fitness center, and two outdoor courtyards.
6. Activate the Grand Boulevard Meridian Avenue with pedestrian friendly ground floor retail.
7. Provide bicycle parking for residents to help support the goals of the Envision San José 2040 General Plan in promoting San José as a great bicycling community.
8. Assist the City of San José to satisfy its capital regional housing needs allocation for below market rate housing units.

#### **Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

This alternatives analysis is included to fulfill the requirements for an Environmental Assessment under NEPA. Under NEPA, an Environmental Assessment shall include brief discussions of alternatives.

#### ***No Project – No Development Alternative***

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a “No Project” alternative, which shall address both “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.” The No Project – No Development Alternative would retain the existing land uses on-site as is. If allowed to remain as is, and no changes are made, the two residences would continue to be unoccupied and neglected contributing to blight in the neighborhood. Given the value of housing in the City, it is reasonable to assume that the residence at 961 Meridian Avenue would be renovated to be made habitable compared to its current condition, and the two residences would be either sold or rented out. If the project site were to remain in either of these states, the impacts of the project would not occur. The impacts of renovation would not result in significant impacts to the environment because any construction activity would be limited to the interior of the building, and exterior work would be limited to painting, replacement of windows and doors, and landscaping. However, these conditions would not meet any of the project objectives. Specifically, this alternative would not allow for the construction of 233 affordable housing units near transit and would not contribute to the vision of the City’s General Plan.

#### ***No Project – Neighborhood/Community Commercial Development Alternative***

The project site is currently designated *NCC – Neighborhood/Community Commercial* under the General Plan and is zoned *R-M – Residence District (Multiple Unit/Lot)*. The *NCC* designation supports a very broad range of commercial activity, including commercial uses that serve the

communities in neighboring areas. Development under this designation are allowed a maximum floor area ratio (FAR) of 3.5 (one to five stories).

The *R-M* zoning district is intended to reserve land for the construction, use, and occupancy of higher density residential development and higher density residential-commercial mixed-use development.

The project site is currently developed with two single-family residences and an accessory structure. The proposed project is currently not consistent with the General Plan. Therefore, it is reasonable to assume that if the proposed project were not approved, an alternative development would be proposed in the future which would conform to the *NCC* land use designation and pending Urban Village Plan, resulting in an increase in building massing and height over existing conditions.

Given the site's *NCC* land use designation, its location within the Southwest Expressway Urban Village growth area, and the objectives of the City's General Plan, any alternative project proposed on this site would likely be a commercial/retail project comparable in scale to currently proposed building, with commercial uses replacing the residential component of the project. Assuming that any proposal would try to maximize development on-site (within the parameters of the Urban Village growth area), such an alternative would likely result in a building between 91,476 and 320,166 square feet (1.0 to 3.5 FAR) of commercial/retail space.

Given the maximum allowable development, it is reasonable to assume that construction air quality and noise impacts would be comparable to the proposed project because the length of construction and amount of grading would likely be similar. Other identified impacts to biological resources, cultural resources, and hazardous materials would remain the same as the proposed project because this alternative assumes full demolition of existing structures, removal of all landscaping trees on-site, and grading of the site. No traffic impacts are anticipated because of the low VMT of the project area and because providing additional neighborhood serving commercial/retail within the Urban Village plan area in support of existing and future housing would allow for shorter traffic trip lengths because residents would not have to travel outside the plan area. This alternative would only meet project objective 6. None of the other objectives, related to having affordable housing on-site, would be met.

### ***Preservation Alternatives***

Per the Historic Resource Assessment Supplemental Report (see Appendix B), the single-family residence located at 971 Meridian Avenue would meet the definition of a historic resource under CEQA and would be eligible for listing as a candidate City Landmark. Demolition of this single-family residence would result in a significant unavoidable impact.

### **Reuse of Single-Family Residence No. 1**

Under this alternative, the single-family residence at 971 Meridian would be relocated on-site and converted into residential communal space such as a recreation room or fitness facility. To maximize use of the site, maintain the retail component of the project, and ensure adequate access to the parking garage, the residence would be relocated to the rear of the new structure, near the northwestern corner of the site. The house would need to be reoriented so that the main entrance

would face north (into the fire lane). The front steps would need to be removed. The proposed fire lane would not change, so setbacks to adjacent land uses would remain the same.

Retention of the house would require the relocation or removal of the planned storage room, northern exit stair, and a minimum of 11 parking spaces on the ground floor. In addition, this alternative would result in a maximum of 203 dwelling units, a reduction of 30 units (six per floor) compared to the proposed project.

Reuse of the building would avoid the significant unavoidable impact to the historic resource, though the residence would lose context with the roadway and the existing landscaping. Under this alternative, demolition of the 961 Meridian Avenue residence and the accessory structure and construction activities could generate vibration levels exceeding 0.08 in/sec PPV for historic structures. As a result, this alternative would create a new significant impact to the 971 Meridian Avenue residence. The following mitigation would reduce the vibration impact to a less than significant level:

**MM ALT 1:**            Pre-Condition Survey: The project applicant shall prepare preconstruction documentation of the residence at 971 Meridian Avenue. Prior to construction, a qualified Historic Architect shall undertake an existing visual conditions study of the residence. The purpose of the study would be to establish the baseline conditions of the house prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be to the City's Director of Planning, Building and Code Enforcement or the Director's designee and the City of San José's Historic Preservation Officer (HPO) for review and approval prior to the issuance of any demolition or grading permits.

**MM ALT 2:**            Prior to issuance of any demolition or grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the residence at 971 Meridian Avenue from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect who meets the Secretary of Interior's Professional Qualifications Standards and shall be submitted to the City's Director of Planning, Building and Code Enforcement or the Director's designee, and the City's HPO for review and approval.

The project applicant shall ensure the contractor follows the HRRP throughout construction. At a minimum, the plan shall include, but is not limited to, the following:

- Guidelines for operation of construction equipment adjacent to historical resources;

- Guidelines for storage of construction materials away from historic resources;
- Requirements for monitoring and documenting compliance with the plan; and
- Education and training of construction workers about the significance of the historical resources around which they would be working.
- Development of a vibration monitoring and construction contingency plan to identify where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction phases as detailed by Mitigation Measures NOI-1.1 through NOI-1.3. Construction contingencies would be identified for when vibration levels approach the limits.

**MM ALT 3:**

The project applicant shall assign a “Monitor”, who is either a qualified Historic Architect or structural engineer, to monitor the historic residence for the duration of construction. During the demolition and construction phases, the monitor shall make periodic site visits to monitor the condition of the historic residence, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month for the duration of the construction period. The City’s Director of Planning, Building and Code Enforcement or the Director’s designee and the City’s HPO may request any additional number of site visits at their discretion.

If, in the opinion of the Monitor, substantial adverse impacts related to construction activities are found during construction, the Monitor shall inform the project applicant (or the applicant’s designated representative responsible for construction activities), the City’s Director of Planning, Building and Code Enforcement or the Director’s designee and the City’s HPO of the potential impacts. The project applicant shall implement the Monitoring Team’s recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to the historic residence during construction, repair work is performed (with appropriate permits, as necessary) in compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the integrity of the structure.

The Monitor shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitor shall submit the site visit reports to the Director of Planning, Building and Code

Enforcement or the Director's designee and the City's HPO no later than one week after each reporting period.

The Monitoring Report shall include, but is not limited to, the following:

- Summary of the demolition and construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources and adjacent buildings during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.

In addition, the Monitor shall submit a final document associated with monitoring and repairs after completion of the construction activities to the City's Director of Planning, Building and Code Enforcement or the Director's designee and the City's HPO prior to the issuance of any Certificate of Occupancy (temporary or final).

The impact conclusions for all other resource areas would remain the same. This alternative would meet project objectives 1 to 8.

### **Reuse of Single-Family Residence No. 2**

Under this alternative, the single-family residence at 971 Meridian Avenue would be converted into additional retail space. To make the retail space viable, the house would need to be relocated along the roadway frontage at the southeast corner of the proposed building. This would require relocating some or all of the ground floor residential amenity space elsewhere in the building, which would result in the loss of parking or dwelling units. Additional residential parking spaces would also be lost to provide additional retail parking spaces. **The project proposes eight parking spaces for 1,780 gross square feet of retail.** The residence is over 3,000 square feet, so would require up to 16 additional parking spaces (assuming the same parking ratio). The additional parking could not be accommodated for the retail with the current parking configuration because of the proposed tandem spaces and security gates. This alternative would have a maximum of 203 dwelling units, a reduction of 30 units (six per floor) compared to the proposed project.

Reuse of the building would avoid the significant unavoidable impact to the historic resource, though the residence would lose context with the existing landscaping and would be relocated nearer to the roadway with no landscape buffer.

Demolition of the 961 Meridian Avenue residence and the accessory structure and construction activities could generate vibration levels exceeding 0.08 in/sec PPV for historic structures, as discussed under *Reuse of Single-Family Residence No. 1*. As a result, this alternative would create a new significant impact to the 971 Meridian Avenue residence and would require implementation of the mitigation listed above to reduce the impact to less than significant. The impact conclusions for all other resource areas would remain the same as the proposed project. This alternative would meet project objectives 1 to 8.

### **Summary of Findings and Conclusions:**

The proposed project would be a 233-unit affordable housing development in the City of San José. The project would be located at 961-971 Meridian Avenue. The applicant would demolish two single-family houses (one of which has been determined to be eligible for listing as a candidate City Landmark) and construct a six-story residential building with 233 dwelling units and approximately 1,780 square feet of ground floor retail. The project would have one level of below-grade and one level of above-grade parking with a total of 290 parking spaces (including nine electric vehicle charging stations) and 63 bicycle parking spaces. On-site residential amenities would include a community room, gym, computer room<sup>1</sup>, and two courtyards on the second floor.

The project site is generally flat and not subject to unusual geological hazards. The site is located in Flood Zone D (an area of undetermined but possible flooding outside the 100-year floodplain) and would not be subject to substantial flood hazards. Mitigation is included to reduce construction air quality impacts on nearby sensitive receptors. No significant air quality impacts would occur.

As referenced in the Historic Resource Assessment Supplemental Report, no California or National Register eligible buildings are located on-site. Archaeological resources would be addressed through the City's Standard Permit Condition to minimize impacts to unrecorded subsurface resources. Biological mitigation would avoid impacts to nesting birds on the project site. Mitigation would also minimize construction noise impacts on nearby sensitive receptors. No operational noise impacts would occur, and the project would not be exposed to noise levels in excess of HUD standards.

Construction of the project could result in exposure of construction workers and off-site receptors being exposed to residual agricultural and industrial soil contamination. Mitigation measures are included to minimize hazardous materials impacts.

The project would not adversely affect public services. The project would not result in adverse effects on water or energy or generate the need for new or expanded water, wastewater, or solid waste facilities. Per the City's screening tool and the local transportation assessment, the project would not have a transportation impact. The project would conform to all applicable federal, State, and regional regulations affecting air emissions, water quality, geologic hazards and related environmental resources addressed herein.

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<sup>1</sup> The computer room would be comprised of desks and computers for children living on-site to have after school classes.

## **Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Pursuant to 40 CFR 1505.2(c), the following summary includes all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. The staff responsible for implementing and monitoring mitigation measures are identified in the mitigation plan. These mitigation measures must be incorporated into project contracts, development agreements, and other relevant documents.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measures</b>
<b>Clean Air Measures</b>	<p><b>MM AIR-3.1:</b> Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operation plan to the Director of Planning, Building and Code Enforcement or the Director's designee, demonstrating that the off-road equipment used for construction of the project would achieve a fleet-wide average of at least 75 percent reduction in diesel particulate matter (DPM) emissions.</p> <p>The plan to achieve the 75 percent reduction or greater would include the following, or an equivalent alternative that meets the required reduction:</p> <ul style="list-style-type: none"><li>• All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 3 engines or with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meet U.S. EPA emissions for Tier 4 standards for particulate matter or the use of non-diesel or electric equipment would meet this requirement.</li></ul> <p>The plan shall include to the extent possible, the list of construction activities and the types of equipment that would be used for each activity, how long the activity is anticipated to occur, the distance of the activity from sensitive receptors, the actions that would be taken to ensure a 75 percent reduction is attained, and the actions that would be taken if it is determined that the 75 percent reduction is exceeded. The plan shall be prepared by a qualified air quality professional.</p>

Law, Authority, or Factor	Mitigation Measures
	<p data-bbox="686 207 1398 279">The project applicant would be required to implement the plan during construction of the project.</p> <p data-bbox="686 321 1057 352"><b><u>Standard Permit Conditions</u></b></p> <ul data-bbox="735 405 1414 1843" style="list-style-type: none"> <li data-bbox="735 405 1414 476">• Water active construction areas at least twice daily or as often as needed to control dust emissions.</li> <li data-bbox="735 489 1414 598">• Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.</li> <li data-bbox="735 611 1414 762">• Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li data-bbox="735 774 1414 884">• Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).</li> <li data-bbox="735 896 1414 968">• Pave new or improved roadways, driveways, and sidewalks as soon as possible.</li> <li data-bbox="735 980 1414 1052">• Lay building pads as soon as possible after grading unless seeding or soil binders are used.</li> <li data-bbox="735 1064 1414 1136">• Replant vegetation in disturbed areas as quickly as possible.</li> <li data-bbox="735 1148 1414 1220">• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li data-bbox="735 1232 1414 1509">• Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.</li> <li data-bbox="735 1522 1414 1715">• Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.</li> <li data-bbox="735 1728 1414 1843">• Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.</li> </ul>

Law, Authority, or Factor	Mitigation Measures
<b>Historic Preservation</b>	<p><b>MM CUL-1.1: <u>Documentation</u>:</b> The residence at 971 Meridian Avenue shall be documented in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components:</p> <ol style="list-style-type: none"> <li>1. Drawings – Prepare sketch floor plans.</li> <li>2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years.</li> <li>3. Written Data – HABS written documentation in short form.</li> </ol> <p>An architectural historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report.</p> <p>The City of San José’s Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation with the San José Library’s California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper.</p> <p><b><u>Relocation by a Third Party</u>:</b> The residence at 971 Meridian Avenue shall be advertised for relocation by a third party. The project applicant shall be required to advertise the availability of the structure for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director’s designee that this condition has been met prior to the issuance of demolition permits.</p> <p>If a third party does agree to relocate the residence at 971 Meridian Avenue, the following measures must be followed:</p>

Law, Authority, or Factor	Mitigation Measures
	<ol style="list-style-type: none"> <li data-bbox="711 205 1427 394">1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.</li> <li data-bbox="711 436 1427 1010">2. Prior to relocation, the project applicant or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.</li> <li data-bbox="711 1052 1427 1276">3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.</li> <li data-bbox="711 1318 1427 1625">4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.</li> </ol> <p data-bbox="760 1667 1427 1923">Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i> and that all character-defining features were preserved. The project applicant shall submit a report</p>

Law, Authority, or Factor	Mitigation Measures
	<p>to the City's Historic Preservation Officer documenting the relocation.</p> <p><u>Salvage:</u> If no third party relocates the residence at 971 Meridian Avenue, the structure shall be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer.</p> <p>The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of demolition permits.</p> <p><b>MM CUL-1.2:</b> A qualified historian shall create a permanent interpretive program, exhibit, or display of the history of the property including, but not limited to, historic and current condition photographs, interpretive text, drawings, video, interactive media, or oral histories. The display shall be placed in a suitable publicly accessible location on the project site. The final design of the display shall be determined in coordination with the City's Historic Preservation Officer.</p> <p><b><u>Standard Permit Condition</u></b></p> <p>Consistent with the City's General Plan policies ER-10.1 and ER-10.3, the following standard permit condition is included in the project to reduce or avoid impacts to subsurface cultural resources.</p> <ul style="list-style-type: none"> <li>• <b>Subsurface Cultural Resources.</b> If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<p data-bbox="781 207 1401 583">regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.</p> <p data-bbox="688 630 1045 661"><b><u>Standard Permit Condition</u></b></p> <p data-bbox="688 705 1393 852">Consistent with the City's General Plan policy ER-10.2, the following standard permit condition is included in the project to reduce or avoid impacts to subsurface cultural resources.</p> <ul data-bbox="737 896 1414 1927" style="list-style-type: none"> <li data-bbox="737 896 1414 1927"> <p data-bbox="781 896 1414 1927"><b>Human Remains.</b> If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human</p> </li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<p>remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> <li>▪ The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.</li> <li>▪ The MLD identified fails to make a recommendation; or</li> <li>▪ The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ul>
<p><b>Soil Suitability /Slope /Erosion /Drainage/Storm Water Runoff</b></p>	<p>No formal mitigation measures are required for soil suitability, slope, erosion, drainage, or stormwater runoff impacts. However, the proposed action shall implement the following permit conditions:</p> <p><b><u>Standard Permit Condition</u></b></p> <ul style="list-style-type: none"> <li>• To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.</li> </ul> <p><b><u>Standard Permit Conditions</u></b></p> <ul style="list-style-type: none"> <li>• All excavation and grading work shall be scheduled in dry weather months or construction sites will be weatherized.</li> <li>• Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Ditches shall be installed, if necessary, to divert runoff around excavations and graded areas.</li> </ul> <p><b><u>Standard Permit Conditions</u></b></p> <ul style="list-style-type: none"> <li>• Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.</li> <li>• Earthmoving or other dust-producing activities shall be suspended during periods of high winds.</li> <li>• All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.</li> <li>• Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.</li> <li>• All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.</li> <li>• All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).</li> <li>• Vegetation in disturbed areas shall be replanted as quickly as possible.</li> <li>• All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.</li> <li>• The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.</li> </ul>
<p><b>Contamination and Toxic Substances Measures</b></p>	<p><b>MM HAZ-2.1:</b> A Phase II Environmental Site Assessment (Phase II ESA) shall be performed to investigate potential soil contamination discussed in the Phase I ESA by Earth Systems Pacific.</p> <p>The Phase II ESA should evaluate potential soil impacts associated with prior agricultural uses, lead based paint in soil surrounding structures, stockpiles of soil previously left on the property, and the area south of the accessory</p>

Law, Authority, or Factor	Mitigation Measures
	<p>structure where disposal of hydraulic fluid and motor oil in pits was reported to have occurred, and any other issues identified in the Phase I ESA. The Phase II ESA shall describe methods for soils testing (i.e., analytical methods, the approximate location, spacing, depth of boring, etc.) and characterization.</p> <p>If the Phase II ESA results indicate soil contamination above San Francisco Regional Water Quality Control Board Environmental Screening Levels (ESLs) for residential and/or construction worker safety, the project applicant must obtain regulatory oversight from Santa Clara County Department of Environment Health (SCCDEH). Any further investigation and remedial actions must be performed under regulatory oversight to mitigate soil contamination and make the site suitable for the proposed residential development.</p> <p>The Phase II ESA and evidence of regulatory oversight (if needed) in the form of an email or letter shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the City's Environmental Services Department prior to issuance of demolition or grading permits.</p> <p><b>MM HAZ-2.2:</b> A Site Management Plan (SMP) shall be prepared and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the proposed development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.</p> <p>Components of the SMP shall include, but shall not be limited to:</p> <ul style="list-style-type: none"> <li>• A detailed discussion of the site background;</li> <li>• Preparation of a Health and Safety Plan (HSP);</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>• Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;</li> <li>• On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;</li> <li>• Sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility;</li> <li>• Soil stockpiling protocols; and</li> <li>• Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.</li> <li>• The SMP shall include a HSP specific to each contractor/subcontractor based on the known conditions at the project site.</li> </ul> <p>The HSP shall include, but shall not be limited to, the following elements, as applicable:</p> <ul style="list-style-type: none"> <li>• Provisions for personal protection and monitoring exposure to construction workers;</li> <li>• Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;</li> <li>• Procedures for the safe storage, stockpiling, and disposal of contaminated soils;</li> <li>• Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and</li> <li>• Emergency procedures and responsible personnel.</li> </ul> <p>The SMP, including the HSP, shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) staff prior to issuance of a demolition or grading permit.</p> <p><b>MM HAZ-2.3:</b> To investigate the potential underground tank identified in the Phase I Environmental Site Assessment, a magnetometer survey shall be performed in the area of the standpipe at 961 Meridian Avenue. If a UST is discovered, the project applicant shall obtain all proper UST removal permits from the City of San José Fire</p>

Law, Authority, or Factor	Mitigation Measures
	<p data-bbox="686 205 1416 428">Department and SCCDEH and remove the UST. If the UST has been determined to have leaked, a leaking UST investigation must be performed under the oversight of the SCCDEH, and any mitigation such as removal of contaminated soil and groundwater investigations must be performed.</p> <p data-bbox="686 474 1416 697">A report of the magnetometer survey, UST removal (if found), and evidence of regulatory oversight if the UST has been determined to have leaked must be provided to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading permits.</p> <p data-bbox="686 743 1057 774"><b><u>Standard Permit Conditions</u></b></p> <ul data-bbox="737 821 1416 1934" style="list-style-type: none"> <li data-bbox="737 821 1416 1010">• In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP.</li> <li data-bbox="737 1016 1416 1356">• During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.</li> <li data-bbox="737 1362 1416 1667">• All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.</li> <li data-bbox="737 1673 1416 1822">• A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.</li> <li data-bbox="737 1829 1416 1934">• Materials containing more than one-percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one-</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<p>percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.</p> <ul style="list-style-type: none"> <li>Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers. <ul style="list-style-type: none"> <li>Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.</li> <li>During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.</li> <li>Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.</li> </ul> </li> </ul>
<b>Noise Abatement and Control Measures</b>	<p><b>MM NOI-1.1:</b> Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the proposed project shall be required to prepare a construction noise logistics plan which includes the following Best Management Practices and other site-specific measures during all phases of construction on the project site:</p> <ul style="list-style-type: none"> <li>Prior to obtaining a demolition or grading permit, prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The plan shall be prepared by a qualified acoustic consultant. The plan shall include, at a minimum: <ul style="list-style-type: none"> <li>A list of all activities that would use heavy construction equipment and high vibratory equipment (jackhammers, hoe rams, etc.)</li> <li>A list of the equipment used for each activity</li> <li>The anticipated duration for each activity</li> <li>The method used to ensure that equipment does not exceed the noise thresholds</li> </ul> </li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>○ A procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.</li> <li>○ Submit the plan to the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition or grading permit.</li> <li>● Use new technology power construction equipment with state-of-the-art noise shielding and muffling devices. Equip all internal combustion engines used on-site with adequate exhaust mufflers that are in good condition to minimize noise.</li> <li>● Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>● All unnecessary idling of internal combustion engines is prohibited. Minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to five minutes.</li> <li>● Locate staging areas and stationary noise-generating equipment as far as possible from sensitive receptors.</li> <li>● Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.</li> <li>● Use "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>● Construct temporary noise barriers, where feasible, to screen stationary construction equipment when located within 200 feet of adjoining sensitive land uses. The temporary noise barrier fences would provide a 5.0 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.</li> <li>● If noise-generating equipment must be located near receptors, use adequate muffling (with enclosures where feasible and appropriate) to reduce noise</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<p>levels. Place any enclosure openings or venting to face away from sensitive receptors.</p> <ul style="list-style-type: none"> <li>• House all generators, compressors, and pumps in acoustical enclosures.</li> <li>• Locate cranes as far from adjoining noise-sensitive receptors as possible.</li> <li>• During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.</li> <li>• Substitute nail guns for manual hammering, where feasible.</li> <li>• Substitute electrically-powered tools for noisier pneumatic tools, where feasible.</li> <li>• Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</li> </ul> <p><b><u>Conditions of Project Approval</u></b></p> <ul style="list-style-type: none"> <li>• The site plan shows window areas of up to 23 percent of the total wall space for the units facing Meridian Avenue. Preliminary calculations indicate that these dwelling units would require windows and doors with a minimum rating of 31 and 35 STC, respectively, to meet the interior noise threshold of 45 dBA DNL.</li> <li>• Dwelling units located along the western façade would require adequate forced-air mechanical ventilation with standard residential construction to meet the 45 dBA DNL interior noise threshold.</li> <li>• Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all dwelling units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.</li> </ul>

Law, Authority, or Factor	Mitigation Measures
	<ul style="list-style-type: none"> <li>If substantive changes are made to the design of the project prior to building department submittal, a qualified acoustical consultant shall confirm the noise insulation recommendations based on the final site plans, building elevations, and floor plans of the proposed residential buildings. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.</li> </ul>
<b>Vegetation, Wildlife Measures</b>	<p><b>MM BIO-1.1: Avoidance</b></p> <p>Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1<sup>st</sup> through August 31<sup>st</sup>, inclusive.</p> <p><b>Preconstruction Surveys</b></p> <p>If tree removals and construction cannot be scheduled between September 1<sup>st</sup> and January 31<sup>st</sup>, a qualified ornithologist shall complete pre-construction surveys to identify active raptor or migratory bird nests that may be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities, including tree removal and pruning, during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.</p>

Law, Authority, or Factor	Mitigation Measures
	<p><b>Reporting</b></p> <p>Prior to issuance of any grading or building permit, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee, a plan prepared by a qualified biologist or ornithologist for conducting the preconstruction surveys to meet the requirements set out above.</p> <p>Subsequent to the preconstruction survey, the qualified biologist or ornithologist shall submit a written report indicating the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p><b><u>Standard Permit Condition</u></b></p> <ul style="list-style-type: none"> <li>• The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a SCVHP Coverage Screening Form or Nitrogen Deposition Only Application Form (if no land cover fees apply) to the Director of Planning, Building and Code Enforcement or the Director's designee for review and shall complete subsequent forms, reports, and/or studies as needed.</li> </ul>
Educational and Cultural Facilities	<p>No formal mitigation measures are required for educational and cultural facilities impacts. However, the proposed action shall implement the following permit condition:</p> <p><b><u>Standard Permit Condition</u></b></p> <ul style="list-style-type: none"> <li>• In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed project.</li> </ul>
Parks, Open Space, and Recreation	<p>No formal mitigation measures are required for parks, open space, or recreation. However, the proposed action shall implement the following permit condition:</p>

Law, Authority, or Factor	Mitigation Measures
	<p data-bbox="686 203 1045 235"><b><u>Standard Permit Condition</u></b></p> <ul data-bbox="737 283 1409 621" style="list-style-type: none"> <li data-bbox="737 283 1409 621">• The project shall pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 mile of the project site, and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5.</li> </ul>

**Meridian Apartments Project  
City of San José**

**Determination:**

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: Fiona Phung Date: 4/28/23

Name/Title/Organization: Fiona Phung, Project Manager

David J. Powers & Associates, Inc.

Certifying Officer Signature: Chris Burton Date: 05/02/2023  
Email: christopher.burton@sanjoseca.gov  
Date: 05/02/2023 GMT

Name/Title: Christopher Burton, Director, Planning, Building and Code Enforcement

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**Note: This document was completed in February 2021, but this page was inadvertently left unsigned. The City corrected this oversight in May 2023.**



**U.S. Department of Housing and Urban Development**

San Francisco Regional Office - Region IX  
One Sansome Street, Suite 1200  
San Francisco, California 94104-4430  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://espanol.hud.gov)

**June 21, 2021**

Mr. Preston Prince  
Executive Director  
Santa Clara County Housing Authority  
505 West Julian Street  
San Jose, CA 95110

SUBJECT: Environmental Review  
Meridian Apartments Project

Dear Mr. Prince,

This is to acknowledge receipt of the Request for Release of Funds and Certification (form HUD-7015.15) for the project known as the Meridian Apartments Project, located at 961-971 Meridian Avenue, San Jose, Santa Clara County, CA.

The environmental review was performed under Part 58 and was signed by Chu Chang, Acting Director, Planning, Building & Code Enforcement, City of San Jose, in his capacity as the Certifying Officer on June 4, 2021. We have reviewed the environmental documentation you submitted and concur that the environmental review requirements have been met.

Enclosed please find a signed copy of the Authority to Use Grant Funds (form HUD-7015.16). Please keep a copy of this letter with all relevant background information for your file for audit purposes.

If you have any further questions, please contact Todd Greene, Engineer, at [todd.r.greene@hud.gov](mailto:todd.r.greene@hud.gov).

Sincerely,

*Todd Greene*

for Gerard R. Windt  
Director  
Office of Public Housing

Enclosure

## Authority to Use Grant Funds

## U.S. Department of Housing and Urban Development Office of Community Planning and Development

**To:** (name & address of Grant Recipient & name & title of Chief Executive Officer)

Santa Clara County Housing Authority  
505 W. Julian Street  
San Jose, CA 95110

**Copy To:** (name & address of SubRecipient or Secondary Contact)

Chu Chang, Acting Director  
Planning, Building & Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

We received your Request for Release of Funds and Certification, form HUD-7015.15 on

6/4/2021

Your Request was for HUD/State Identification Number

All objections, if received, have been considered. And the minimum waiting period has transpired.  
You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.  
File this form for proper record keeping, audit, and inspection purposes.

Program: Section 8 Project-Based Voucher Program

Project: Meridian Apartments Project

Description of project/activity:

The Santa Clara County Housing Authority (SCCHA) has committed Section 8 housing assistance for the project in the form of Project Based Vouchers (PBVs) for 73 apartment units: 35 Veterans Affairs Supportive Housing (VASH) one-bedroom and 38 three-bedroom PBVs, as authorized under Section 8 of the Housing Act of 1937, as amended. PBV housing assistance would be provided for an initial contract term of 20 years, with a possible automatic renewal of an additional 20 years, subject to annual appropriations from the federal government and SCCHA's determination that the owner is in compliance with the Housing Assistance Payment contract and other applicable HUD requirements, for a total of forty (40) years. The estimated total funding for rental subsidy committed is \$63,593,040 (\$3,179,652 annually) for the initial 20-year term of the Housing Assistance Payment contract and contingent upon the availability of Section 8 funds as allocated by the federal government. Please note that the actual amount may be up to \$5,000,000 more to account for market changes. The total estimated project cost including non-HUD funds is \$143,500,000.

The project site is constructed with two single-family residences and an accessory structure, totaling approximately 19,676 square feet. The single-family residences are currently vacant. Vehicular access to the project site is provided via four driveways off Meridian Avenue. The project site is bounded by single-family residences to the north, Meridian Avenue to the east, a Montessori school (currently under construction) to the south, and multi-family residences to the west.

As proposed, the project would demolish the existing structures on-site and construct a six-story, 233-unit residential building with approximately 1,780 square feet of retail (refer to Figure 4). The proposed retail would be located along Meridian Avenue. In addition, a community room, gym, and computer room is proposed on the ground floor. Two courtyards would be located on the second floor. The project would have a maximum building height of approximately 80 feet.

The project proposes one level of below-grade parking and one level of above-grade parking which would consist of 290 parking spaces. Of the 290 parking spaces, 273 would be for residences, eight would be for retail parking, and the remaining nine are for electrical vehicles (EV). Additionally, the project proposes 63 bicycle parking spaces (26 short-term spaces and 37 long-term spaces). There are a total of four existing driveways off Meridian Avenue. The project would retain one driveway (on the northernmost portion of the site) and the remaining three would be removed. A new driveway is proposed on the southern portion of the site which would serve as the primary access. The driveway being retained would serve as a secondary fire truck access.

The proposed project is designated NCC — Neighborhood/Community Commercial under the General Plan and is zoned R-M — Residence District (Multiple Unit/Lot). The project would be required to be built in accordance with the California Building Code (CALGreen) requirements which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.

Typed Name of Authorizing Officer: Gerard R. Windt	Signature of Authorizing Officer  <i>Todd Greene</i> for Gerard R. Windt	Release Date:  June 21, 2021
Title of Authorizing Officer Director Office of Public Housing		

Previous editions are obsolete.

form **HUD-7015.16** (2/94)  
ref. Handbook 6513.0